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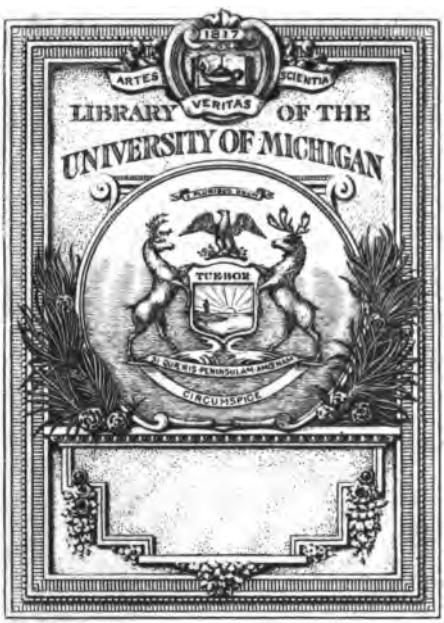

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THE

TRIAL

OF

JAMES WATSON,

FOR

High Treason,

AT THE

BAR OF THE COURT OF KING'S BENCH,

ON

Monday the 9th,
Tuesday the 10th,
Wednesday the 11th,
Thursday, the 12th,
Friday, the 13th,
Saturday, the 14th; and
Monday the 16th of June, 1817.

WITH THE ANTECEDENT PROCEEDINGS.

IN TWO VOLUMES:—VOL. II.

TAKEN IN SHORT HAND BY
WILLIAM BRODIE GURNEY,
Short Hand Writer to both Houses of Parliament.

London:

SOLD BY BUTTERWORTH AND SON, FLEET-STREET; AND FENNER, PATERNOSTER-ROW.

1817.

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THE

TRIAL

OF

JAMES WATSON,

FOR

High Treason.

COURT OF KING'S BENCH,

Thursday, 12th June 1817—continued.

Ann Wright, sworn.
Examined by Mr. Richardson.

Q. YOU keep a public house in East Smithfield, called the King's Arms and Golden Anchor?

A. Yes.

Q. Did you keep that house in the month of December last?

A. Yes.

Q. And before that?

A. Yes.

Q. Do you remember the day of the riots, the beginning of December?

A. Yes, on the second.

Q. Did a person of the name of Atkins lodge at your house about that time?

A. Yes, and before.

Q. Is Atkins alive or dead?

A. He is dead.

Q. Did the prisoner at the bar call at your house to see Atkins?

A. He came in; whether to see him, I cannot say.

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Q. Before the day of the riots?

A. No, not to my knowledge.

Q. Did he come into your house on the day of the riots?

A. Yes, he did.

Mr. Justice Bayley. Was that on the second of December?

A. Yes, on the Monday.

Mr. Richardson. Was Atkins there?

A. Yes, he was in the tap-room.

Q. What time of the day was it?

A. Between one and two.

Mr. Justice Holroyd. Which Watson was that?

A. The Elder.

Mr. Richardson. What passed between him and Atkins?

A. Mr. Watson went into the tap-room, and Mr. Atkins got up and shook hands, and said, "How do you do, Mr. Watson." Mr. Atkins asked Watson, whether he would have a draught of porter; he said, he did not care if he did. He came to me for a pot of porter, and he opened the door for him to go into the parlour; he said, No, he would go into the room where he could have his speech at free liberty.

Q. They went in?

A. Yes, they took the beer, and went into the tap-room with it.

Q. Did you hear him say any thing about the Tower?

A. I heard him say, "Come on, my brave boys; if you had but followed me, the Tower would have been in our possession before now."

Q. Watson said that, did he?

A. Yes.

Q. Had you heard of the riots?

A. Yes, we were just going to shut up as he came in.

Q. In consequence of the riots?

A. Yes.

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Q. How long did he stay?

A. Not above ten minutes; I do not know whether it was quite as long.

Q. Did he then go away with Atkins?

A. No, he went away by himself.

Q. Did you observe his appearance at that time?

A. He had a great coat on at that time, a drab-coloured great coat.

Q. Did you make any remark upon his manner?

A. No, only he spoke in a noisy manner, and he had got a stick which he flourished about the tap-room; I did not take any further notice.

Q. Had you seen the younger Watson in your house, before that time?

A. Yes, I had seen him several times along with Atkins.

Cross-examined by Mr. Serjeant Copley.

Q. I am not quite sure that I understood what you said about this private room?

A. There was no private room, it was a parlour; that was for dinner, that was full.

Q. Who spoke of going into the room, where they could speak at free liberty?

A. Mr. Watson.

Q. Who spoke of going into the tap-room?

A. Mr. Atkins asked him whether he would have a draught of porter; he said, he did not care if he did; he came to me for a pot of porter, and I drew it; and Mr. Atkins said to Mr. Watson, we had better go into the parlour, and he pushed open the door to see who was there; and he said, he would rather go into a room where he could have free liberty of speech.

Q. Who were in the parlour?

A. A good many people; it was about lunch time.

Q. Who were in the tap-room?

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A. I do not know; there were a good many people there, too.

Q. There were a good many people in the parlour, and a good many in the tap-room.

A. Yes.

Q. He wished to be in a room where he could speak at full liberty?

A. Yes; he said he would go into any room where he could have his speech at free liberty.

Q. His speech appeared to be as much at liberty in the one room as in the other?

A. The people in the parlour belonged to the London Docks, and the people in the tap-room were principally seamen, and such sort of people.

Q. Did the two doors join together?

A. No; the tap-room is right fronting the street-door.

Q. Does one room open into the other?

A. No.

Q. What is there between them?

A. A partition.

Q. There is no door from the one into the other?

A. No; you must go along the passage from the one to the other.

Q. How long did he stay?

A. Ten minutes, I should think.

Q. Did any body go out with him?

A. No.

Q. What became of Atkins?

A. He went into the London hospital and there he died.

Q. What became of him for that day?

A. He staid in the house; he was lame and could not walk.

Q. Had you ever seen the elder Watson with him before?

A. No.

Q. Where were you?

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A. In the bar.

Q. Does that bar open into the tap-room?

A. No.

Q. What is there between?

A. There is a very little bit; you go across a passage from the tap-room to the bar.

Q. They had been to the bar to get the beer you had drawn for them?

A. Yes.

Q. Nobody went out with him when he went out?

A. No.

Q. And you had never seen him before?

A. No.

Q. And have never seen him since, I suppose?

A. Not till yesterday.

Q. Then you saw him where he is now sitting I suppose?

A. Yes.

Q. How do you say he was drest at that time?

A. He had a drab coloured great coat on.

Q. When did you first tell this story to any one?

A. A good bit ago; in Gray's-Inn-lane; that was the first gentleman I told it to.

Q. How long ago was that?

A. Before Christmas.

Q. Who was it you told it to?

A. I forget the gentleman's name.

Q. Did they come to you, or did you go to them?

A. They came to me three or four times before ever I went to them.

Q. Was that during Atkins's life-time?

A. Yes; I never went up to them.

Q. Do you know any of the persons that were in the tap-room that day?

A. No, there is one man there, a witness, that is coming in, that was in the tap-room at that time.

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Q. Do you know anybody else besides that man, who was there?

A. No.

Q. Were they persons living in that neighbourhood?

A. I cannot say; I was not in the tap-room.

Q. Were you not backwards and forwards in the tap-room?

A. No, I very seldom do go in.

Q. They were persons living in that neighbourhood?

A. No, I believe they were chiefly seamen.

Q. If you did not go in, perhaps you can hardly tell who were there?

A. I cannot.

Q. How do you know that they were sailors?

A. Because we do not let them go into the parlour.

Q. Therefore you presume there must have been sailors in the tap-room, as they did not go into the parlour?

A. Yes, they are generally there.

Q. How can you undertake to swear that there were sailors in the tap-room?

A. Because I saw them pass the bar as they went out.

Q. How soon did they pass to go out?

A. In about an hour after or less; they were chiefly strangers.

Q. About an hour after this you saw the sailors pass?

A. I cannot speak to the time exactly.

Q. How do you know that there were sailors there; you say, in about an hour after this you saw sailors pass the window; is that the only reason?

A. Yes.

Q. You were never in the tap-room?

A. No.

Q. Not being in the tap-room then, you undertake to swear there were sailors there?

A. Yes; because——

Q. You not being there?

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Mr. Gurney. Let her finish the answer.

Mr. Justice Abbott. She is going on to assign the reason.

Mr. Serjeant Copley. You were not in the tap-room?

A. No.

Q. And not being in the tap-room, you yet undertake to swear that there were sailors there, because you saw sailors pass the window in about an hour afterwards?

Mr. Justice Abbott. That certainly is not a question; it is observation.

Mr. Serjeant Copley. You were not in the tap-room?

A. No.

Q. Have you any other reason to know that sailors were in the tap-room, except seeing some sailors pass the window about an hour afterwards?

A. Our man that served the tap-room is dead; it is from him that I know there were sailors there.

Q. It is because you know it from your man that is dead, that you believe there were sailors?

A. Yes, chiefly; there certainly were sailors there.

Q. You suppose there to have been sailors there, because you were told so by a man that is now dead?

A. Yes.

Q. But you, of your own knowledge, do not know there were sailors there?

A. No, I never go into the tap-room myself.

Q. You do not know that there were any there?

A. I saw them pass the bar afterwards; so they must have been there.

Q. How soon afterwards did they pass the bar?

A. About half an hour afterwards.

Q. Will you undertake to swear, that there were no sailors went in, in that half hour.

A. No, I cannot.

Q. You cannot undertake to say, that those sailors you saw pass had not gone in the mean time?

A. No, I cannot.

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Q. Then it was because you saw, half an hour afterwards, some sailors pass the bar, that you know there were sailors there at that time?

A. I know that there were sailors there, because I heard so.

Q. Is the reason that you suppose sailors to have been in the tap-room, because you saw sailors pass the bar half an hour afterwards?

A. Yes.

Q. Am I correct in this. Did you not tell me just now, that you did not know whether, during that half hour, other sailors had not gone in?

A. But there were some I know at the time, for the tap-room was full of people, and they were fetching beer from the bar.

Q. Did you see them there?

A. Yes, I saw them pass.

Q. But you tell me, you do not know but that they had come in within that half hour; is that so?

A. I suppose there must be some had come in, in the half hour.

Re-examined by Mr. Richardson.

Q. Before the time Watson came in, had sailors come in to go to the tap-room?

A. Yes, a good many.

Q. Are the general customers at your house sailors?

A. Yes, the general run of them.

Lord Ellenborough. There are different descriptions of people that usually resort to the parlour and to the tap-room.

A. Yes.

Q. What are the description of people that usually go to the parlour, and what to the tap-room?

A. The sailors go in to the tap-room, and the people of the dock and so on to the parlour.

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William Miller came into Court.

Mr. Richardson. Is that the man that was there on that day?

A. Yes, that man was; he used to lodge at the house at that time.

Q. Is that the person you alluded to in your evidence just now?

A. Yes, it is.

William Miller sworn.

Examined by Mr. Richardson.

Q. You are a seaman, are you not.

A. Yes.

Q. Do you recollect the day of the riots, in December last?

A. Yes.

Q. Were you at Mrs. Wright's on that day, the King's Arms and Golden Anchor?

A. Yes, I was.

Q. Do you remember a man coming in and talking to Atkins, a doctor?

A. Yes.

Q. Did you hear him say any thing about the Tower?

A. Yes.

Q. What did you hear him say?

A. He said something about the Tower; that if they had been of his mind, he would have had the Tower in his possession.

Q. That if they had been of his mind, he would have had the Tower in his possession; is that what you state?

A. Yes, that is what he said.

Cross-examined by Mr. Wetherell.

Q. Who was it that said this?

A. I did not know the man.

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Q. You never saw him before?

A. No.

Q. Nor since.

A. No.

Q. You knew nothing about him?

A. No.

Q. What time of the day was this?

A. In the afternoon.

Q. Was it eight or nine o'clock; after work was over?

A. No, between two and three, I should think.

Q. Was not it later than that?

A. I cannot be positive.

Q. You had not left off work so soon as two or three?

A. I had not been at work.

Q. Recollect, as nearly as you can; was not it duskish?

A. No, I do not recollect.

Q. Was not it duskish when this conversation happened in the evening?

A. It was in the afternoon. I cannot be positive as to the time.

Q. Do you suppose it was, when it began to get a little dusk in the afternoon?

A. I believe it was.

Q. Do not you think it was about five o'clock; about that time it gets darkish?

A. No, I do not think it was so late.

Q. What other persons were there in the room?

A. There were several that I did not know.

Q. What was it he said about the Tower; that if the people had been of one mind——

Mr. Justice Bayley. No, that if they had been of his mind was what he said.

Mr. Wetherell. That if they had been of his mind, the Tower would have been taken?

A. Yes.

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Q. He came in and told you this, did he?

A. He did not tell it to me.

Q. He popped his head into this public house?

A. Yes.

Q. Were there some persons in your dress there?

A. Yes, a great many sailors.

Q. Who were those people that came there?

A. I do not know.

Q. They were not of your acquaintance?

A. No.

Q. As nearly as you can recollect about the time, do you think it was half past four?

A. I am not positive.

Q. About that time?

Lord Ellenborough. The time he has given us is between two and three; he is asked as to five; he says it was not so late, as he thinks.

Mr. Wetherell. Was it about four o'clock.

A. I think it was between two and three.

Re-examined by Mr. Richardson.

Q. It was after your dinner, was it?

A. Yes.

Mr. Justice Abbott. Had you heard just about that time of the riots in the Minories.

A. Yes, we were talking about it in the house.

Q. Do you recollect how the person who said this was dressed?

A. No.

Lord Ellenborough. Are you in the habit of attending that house much?

A. Yes.

Q. Is there a parlour in which the better sort of people are, and a tap room in which the more ordinary people are?

A. Yes.

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Zaccheus Bannister sworn.

Examined by Mr. Attorney General.

Q. Where did you live in the month of December last?

A. In Hyde-street, Bloomsbury.

Q. Do you know Mr. Watson, the prisoner at the Bar?

A. I do.

Q. Did he lodge at your house?

A. He took the house for his son; he took my shop for his son, not himself.

Q. What room in your house did he take?

A. A front shop; a small shop in the front of my house.

Q. Was there any room in your house that was occupied by him or his son, besides the shop?

A. No other apartment besides the shop which I have before mentioned.

Q. Was there any key to the door of that room or shop?

A. Yes, a key to the door of the shop, and likewise a latch-door key to the street-door, the outer door.

Q. Did Mr. Watson use to come there himself?

A. Yes, sometimes, with his son; they both came there together.

Q. Did the younger Watson sleep at your house?

A. I believe he did sleep there, but I am not certain; I never saw the inside of the shop, and therefore I cannot tell?

Mr. Justice Abbott. You never saw the inside of the shop?

A. Not after Mr. Watson had it.

Mr. Attorney General. Do you know Vickery the officer?

A. I do.

Q. Did Vickery come to your house to make any search, in the month of December?

A. He did.

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Q. Do you recollect the day on which the riot took place in London?

A. I do.

Q. How long after that day was it that Vickery came first to your house?

A. I believe it was on the Thursday, the fifth of the same month.

Q. I do not know whether you were with Vickery when he made the search?

A. I was; he came to enquire.

Q. Where?

A. He came to enquire at my house, whether a person of the name of Watson had lodged there.

Q. Did you go with him into the shop?

A. There were several other persons entered the room with Mr. Vickery, I followed them.

Q. Did you see him find any thing; I do not know whether you did?

A. I saw them overturn, I believe, every thing in the room; and they took away a great quantity of papers, the contents of those papers I cannot speak to.

Q. I do not ask you as to their contents; how did Vickery get in?

A. He forced the door.

Q. The door was locked?

A. It was, he asked me if I had any key.

Q. Had you the key of it?

A. No, I had not.

Q. Who had been used to keep the key of that door?

A. I believe Mr. Watson, junior, the younger gentleman.

Q. You had not been used to keep it, however.

A. No.

[*The key, delivered in by Worrall, was shewn to the witness.*]

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Mr. Attorney General. Do you know whether that is the key?

A. I believe it is like it, but I cannot swear to it; it is something like it.

Q. Do you remember a man of the name of Worrall, coming and opening the door with this key?

A. Not with this key.

Q. Not Vickery; but do you remember Worrall opening the door with any key?

A. He opened the street-door with another key; this looks like the key of the shop-door, that on the door is a spring latch.

Q. Was the key of the shop-door such a key as that?

A. Yes, it was like unto it; but I cannot positively say that it was the same.

Q. You have told me, it was on the 5th of December that Vickery came first and searched the shop and found papers?

A. I believe it was.

Mr. Wetherell. It will be necessary for me, at some period of the proof which relates to the production of the evidence which I see is to be offered, to submit a legal objection to it. I will interpose that objection when it is most seasonable; and the nature of the question will be, whether the taking of papers after the arrest of the party is such a taking as can admit them. I would submit that as a proposition generally, perhaps that will come best by and by.

Lord Ellenborough. We never decide questions in the abstract. Whenever a question is proposed, upon the production of the evidence we will decide it.

Mr. Attorney General. I am going now to ask you a question upon another subject. At a subsequent time do you remember Vickery's coming again?

A. Yes.

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Q. When was that?

A. The beginning of March, I think, about the fifth or sixth; Mr. Vickery was there I believe several times between the fifth of December and the fifth of March; I think he was there on the twelfth of December.

Q. The second time he came, did he search any part of your house?

A. Only the shop.

Q. That was the first time?

A. He came again on the 12th of the same month.

Q. Do you remember his coming, and the privy of your house being searched?

A. I do.

Mr. Justice Bayley. Was that in March?

A. It was.

Mr. Attorney General. Were you present at that search?

A. I was.

Q. Were you present when any thing was found in the privy?

A. Once.

Q. Was it quite emptied?

A. Yes, it was.

Q. What was found in the privy in your presence?

A. Some iron spikes.

Mr. Wetherell. I should question whether things found in the house after the arrest can or cannot be admissible, either paper or spikes. Your Lordship is aware that this question was raised in Mr. Hardy's trial.

Mr. Justice Bayley. Before you raise the objection, have you all the facts which you wish from this witness?

Mr. Wetherell. He says that things were found, which he calls spikes.

Mr. Justice Bayley. Were any spikes in your house to your knowledge, or put into the privy to your knowledge,

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between the second of December and that time when you say some were found?

A. No.

Q. You had never seen any of them before?

A. No, I had not.

Mr. Wetherell. My Lord, my objection is this; the witness has been examined to this proposition, that on the 12th of March——

Mr. Justice Bayley. The 5th or 6th.

Mr. Wetherell. The 5th or 6th of March, which your Lordship sees——

Mr. Serjeant Copley. He came again on the 12th.

Mr. Gurney. That was the 12th of December he was there.

Mr. Wetherell. There is certainly the one fact which it is desirable to ask him before we go into this; namely, the last time he saw the Watsons there.

Mr. Justice Bayley. What was the last time you saw the Watsons there.

A. About the 18th or 20th of November, that was, I believe, the last time.

Q. Was that the father or the son?

A. I never saw the father there without the son.

Q. Which did you see in your house on the 18th or 20th of November.

A. Both; I say the 18th or 20th of November; it was a fortnight prior to the 2d of December.

Mr. Wetherell. My Lord, the nature of my objection is this: it is proposed, on the part of the Crown, to prove the fact; that on the 5th of March, there were found in the house of the witness, which house he says was taken by Watson the prisoner for his son, 199 pikes, or no matter what. The fact, therefore, of such alleged things being found in the house being now offered, this appears to me to be the most convenient time to interpose my objection;

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if I thought it a more convenient time hereafter, I would then take it.

Lord Ellenborough. It seems the proper time for your objection.

Mr. Attorney General. The evidence upon this head is not finished.

Mr. Wetherell. I know it is not finished; but my objection is, that no further evidence can be offered of the finding of articles in the house at a time so long subsequent. Your Lordships have it in evidence, that the place where these spikes or pikes were alleged to be found was a house taken by the prisoner for his son; part of a house—a shop. My Lords, I admit that it is also deposed by this witness, as a fact, that the father came to this house with his son; but it must be recollected, that the alleged place where these things were found was the lodging of the son, and not the lodging of the father. I admit also, that upon this record there is the charge of conspiracy, in which both the father and the son are parties. My Lord, the question under these circumstances is, whether, attending to the place where these things are said to have been found, attending to the time when they were found, and to the period and distance of time after that, at which the father and the son were at the house, these articles, if called in question, would be producible in evidence. Changing the terms of the proposition, the question is, whether my learned friends have a right to go further, to prove articles which, if tendered in evidence, would not be admissible in evidence, according to my proposition.

Now, my Lord, the general nature of this kind of objection is this; that papers, found in the house of a criminal before his arrest, are producible in evidence; because, till his arrest, he is supposed to have the command and domicile of his house, and the control and custody of it; consequently, the means of preventing the fraudulent or im-

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proper introduction of those papers, which are by and by to be offered in evidence against him, confining it to papers, or of other things of that description. Your Lordships may probably recollect that this objection was taken in Mr. Hardy's trial, and I apprehend it to have been there admitted and decided.

Lord Ellenborough. What page and volume?

Mr. Wetherell. It is in the second volume, page 122. "*The Attorney General* observed, that he was now going to prove a paper that was found in the possession of Martin and Thelwall." I should feel myself extremely censurable if I attempted to state the facts incorrectly. Certainly Mr. Thelwall was one of the persons named as a conspirator in the record, it stands so in my edition: "and also another paper found in the possession of Mr. Martin, being the hand-writing of Mr. Martin, both printed in the second report of the Secret Committee, p. 18. These papers were found after the apprehension of Hardy, but he should prove that they existed long before that period."

Mr. Justice Abbott. I beg your pardon; the page certainly is not the same. I was not aware that there were different editions. I recollect perfectly well the subject to which you now refer, but I have no reference to it in that page of my edition.

Mr. Wetherell. Mine is the edition of Mr. Sibly, my Lord. "*The Attorney General* said, These papers were found after the apprehension of Hardy, but he should prove that they existed long before that period. Mr. Gibbs said these papers were never made use of; they were simply in their custody, independent of observation. The admission of it in evidence directly contradicted the rule their Lordships had laid down, not to receive any document found after the apprehension of Hardy." So that Mr. Gibbs there assumes that, and states it to the court as being his con-

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struction of the rule which he supposed they had laid down. *Lord Chief Justice Eyre*, sitting as Lord President there, said, "That the only ground of the rule is, that being found afterwards, it possibly might not exist previous, and therefore there was no proof that the prisoner was a party to it. But if they remove that objection, and shew that, in fact, it did exist before his apprehension, the objection exists no longer." In page 129 of the same book, Mr. Gibbs again renews the same objection in relation to other papers, and the reporter states it thus: "*Mr. Gibbs.* It seems to me, that their being ordered before the apprehension of Mr. Hardy, does not make it evidence"——

Mr. Justice Bayley. "Being ordered."

Mr. Wetherell. Yes, my Lord, that related to some blades or pikes. "It seems to me, that their being ordered before the apprehension of Mr. Hardy, does not make it evidence; they being found in the possession of this man after the apprehension of Mr. Hardy, it certainly will not be evidence to go to the jury." *The Lord President.* "You will be at liberty to insist, that the execution of the order afterwards does not personally affect Mr. Hardy."—Now, I have stated the proposition fairly. It will probably be stated, that here is evidence that some person had ordered these pikes; but I say that is begging the whole question; and unless, as far as the prisoner is concerned, against whom they are offered, there is distinct acquiescence, on his part, to the deposit of those things there; unless there is knowledge brought home to him that they were deposited there; unless some evidence is brought home to him, bringing home to his knowledge that they were there; I humbly contend that, according to the rule, and the policy, and the principle of the law, they are not receivable. The rule is, that after a person is taken, nothing found in his house, no papers or

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implements, supposed to be in his possession, can be received, for they may have been placed there for objects very inconsistent with the ends of justice; they may have been fabricated, and put there afterwards.

My Lord, it must be recollected that it is a fact, stated by the landlord of the house, that the place where they were taken was not the place of residence of Mr. Watson the prisoner; that the place was taken for his son; true it is, that he had access to it. Turning to the evidence of Mr. Castle, I find there a statement, and I do not mean to keep out of view any evidence as to a prior order for them: I allow, that if the order had been brought home personally to the prisoner, my objection would be untenable, whatever time the finding took place——

Mr. Justice Bayley You should be aware of this, then; I mention it to you, because it may put an end to discussion. It is in evidence, on the testimony of Castle, that Castle and the two Watsons went to Bentley; that they got the two hundred and fifty pikes from Bentley, and carried them to Hyde-street, Bloomsbury.

Mr. Wetherell. Not the two.

Mr. Gurney. That the son fetched them, but that the son and the witness Castle received five one pound notes from the prisoner at the bar, out of which he was to pay for them.

Mr. Justice Bayley. I have got it; "we all three went to Bentley's cellar."

Mr. Gurney. Those were Bentley, Watson, jun. and the witness.

Mr. Wetherell. Just so.—My Lord, Mr. Gurney has reminded me of one circumstance, that they were paid for by the prisoner's money; but it is not stated that the money was had to pay for the pikes, that he was told it was for that purpose?

Mr. Justice Bayley. Yes, I believe it is. I will read my

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note of it, and brother Copley will refer to see whether I am right. "The next morning I met the two Watsons in Kingsgate-street at eight in the morning, to receive money from old Watson to pay for the pikes, and to buy two nail bags to put them into. Old Watson gave his son five one pound notes to go to Bentley's with me for the pikes, and to take them to his lodgings in Hyde-street. Young Watson went to get the nail bags, and I went to Bentley's; he had made two hundred and fifty, or somewhere thereabouts. He made out a bill; I went to Bentley's first; then Bentley and I came to wine vaults at the corner of a court leading out of Hart-street into Long-acre, I think it is called Leg-alley; there we met young Watson. Young Watson gave me the money in Bentley's presence, and I paid Bentley, I think, three pounds fifteen shillings. Then we all three," (I had thought, opening upon it, one of the three had been old Watson, I see that is not so,) "went to Bentley's cellar, and assisted in putting them into the bags; and young Watson and I took them to Hyde-street, to young Watson's lodgings, and deposited them under something like a sofa bedstead."

Mr. Wetherell. Your Lordship has had the goodness to read the note most accurately taken; it will be probably said that this conversation, on the subject of the payment of the money by Watson the elder, is to fix him with notice of the pikes; or that, upon these transactions, he is to be considered as the person ordering the pikes; and, consequently, to be fixed with the knowledge that those pikes were to be obtained, and with the notice that they were deposited there. But it is the latter part of the rule I take the liberty to allude to; there is nothing said about their being to be got with the money. I should be very sorry to put an erroneous import on the evidence; but when this examination of the witness was going on, it did not occur to me, that the money asked for was to pay for the pikes. I allow the evidence given is evidence upon

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which such a conjecture may be raised; but I submit, it does not appear that the money to be given to young Watson was to pay for the pikes. The question is, whether Watson the elder was asked for the money, *eo nomine*, to pay for the pikes, or, whether there is evidence that he must know that it was to be so applied.

Mr. Gurney. The witness Castle has stated that Thistlewood gave the prisoner Watson a ten pound note, to pay for the bills and the pikes.

Mr. Wetherell. His Lordship has read the note.

Mr. Justice Bayley. That to which Mr. Gurney refers, was in a former part,—"Thistlewood produced a ten pound note, and told old Watson to go immediately and give the man some money, and to tell him to get the bills printed, and to give me as much as would be sufficient to pay for the remainder of the bills and the pikes."

Mr. Wetherell. My Lord, the first question is upon the evidence, whether there is enough to affect Watson directly or indirectly upon the subject of the pikes. That point, I own, does seem to me, from my recollection of the evidence, not to be made out. I also contend, that though the payment came out of that ten pound note, it is not in evidence that there was a direction that the money should be taken out of that note for that purpose.

Mr. Justice Abbott. The words of the witness, as I have them, are certainly different from the way in which they appear to have struck you. He says, "Monday morning I was to meet the two Watsons in Kingsgate-street, to receive the money to pay for the pikes, and to buy two nail bags to put them into. Old Watson gave his son five one pound notes to pay for the bags and the pikes, and young Watson went to procure the bags, while I went to Bentley's to get the bill made out."

Mr. Wetherell. That corresponds with the one Mr. Justice Bayley read.

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Mr. Justice Bayley. There is another passage I will read you. "The pike Bentley had made was produced; Thistlewood said it was a very famous weapon, and that we would have a quantity more made immediately; and he gave me orders to have two hundred and fifty made immediately by Bentley: this was in the hearing of the other five."

Mr. Justice Abbott. And there is another part, Mr. Wetherell. After Castle had stated his going with Bentley to the wine-vaults, meeting young Watson there, the bags being produced, the money paid, and the pikes being put up and taken to young Watson's lodgings in Hyde-street, and deposited under the sofa bedstead, he says, "Then young Watson and I went to Greystoke-place and reported; and by the desire of Thistlewood, I destroyed the receipt; then the elder Watson and I went to the printer for the bills." He went to Greystoke-place; he there found the elder Watson and Thistlewood and reported; which was, he says, their constant practice. That was, after having carried the pikes to young Watson's lodgings, they reported, and then Thistlewood desired he would destroy the receipt, which he did.

Mr. Wetherell. Your Lordship sees, that this finding of the articles is five months after the apprehension of the prisoner.

Lord Ellenborough. That is the finding, but there is evidence of the carrying them. If there is nobody to remove them, we will presume they remained in the same state and place in which they were put, and where the evidence leaves them.

Mr. Justice Bayley. I will merely throw this out for your consideration. The effect of the evidence, when produced, is one thing. The question is, whether they are now to be admitted to prove that these are the very same pikes which were made by Bentley, and carried by young Watson and Castle to young Watson's.

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Mr. Wetherell. If there had been any evidence on the subject of the carriage within the knowledge of the prisoner, I should have felt myself precluded.

Lord Ellenborough. There is evidence on my brother's notes. There is no foundation for the supposition, that it is necessary that they should continue in the possession of the person up to and at the time of the apprehension. If he is severed from the possession of the things, the things having been placed there while they were under his controul, that is evidence to go to the Jury; and in a case of life and death, in a case I will mention to you. A person had been, I think, a butler to some bankers at Malton; a great robbery had taken place; the person accused had been seen going near the privy, and that excited a suspicion in the minds of the counsel who were considering of the case at York during the assizes; in consequence of which they ordered a search to be made, and in the privy all the plate was found; it was produced, and it was the means of convicting that man. He had been separated from the custody of the plate, for he had been in York Castle for some time; but there was no doubt of the evidence being admissible.

Mr. Wetherell. I shall not trouble your Lordship after the observations your Lordship has made; it was upon the defect of the evidence, as to the carrying, that I rested my objection.

Lord Ellenborough. I have not been able to fancy a doubt in this case. Two of the parties are clearly affected by the production of things supposed to belong to them, or under their controul. Here it appears that the father and the son, being engaged in the same conspiracy, according to the evidence, these things were carried to the dwelling of the son, and reported by the son to the father and others, I think, that very day, as being carried to that place in the neighbourhood, of which, or close to which, they were

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afterwards found. There cannot be a doubt, I think, of its admissibility.

Mr. Justice Bayley. If Mr. Wetherell thinks, after what has been said, that he can support the objection, I should wish to hear him; but it appears to me to stand on a very different ground indeed from the case to which he has referred. As far as I caught that, it was, that the thing offered to be produced in evidence did not, as far as appeared in evidence, exist before the apprehension. Now, in this case, the thing not only existed, but, according to the evidence in this case, they were carried to the place in question by young Watson, who at present is, according to the evidence, one of the parties in the transaction; so that his acts are the acts of Watson the father, and the acts of each and every of the parties, in point of law. And it is not only proved that they were carried to that place, but it is sworn, that the elder Watson was privy to the fact that they had been ordered; and was also privy to the fact, that is, received information by the report of the son, afterwards, that they had been carried to the son's lodgings. Under these circumstances, I think it is impossible for the Court to say that they cannot be received in evidence, for the purpose of proving whether they are or not the same pikes to which Castle has spoken, and which may or may not be proved to have been made by Bentley. What is to be the ultimate effect of that, is entirely a question for the Jury; but, I think, we cannot exclude the evidence.

Mr. Justice Abbott. This is not a question of any doubt. There hardly ever happens an assize at which part of the evidence against the person, on his trial for felony or theft, does not consist of proof that the stolen property was found in his house, on a search, after he was taken.

Mr. Justice Holroyd. I think there cannot be the least possible doubt upon this point.

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Mr. Attorney General. [*To Bannister.*] You saw, you have told us, the spike-heads taken from the privy?

A. Yes.

Q. Had you ever seen any of those before?

A. No.

Cross-examined by Mr. Serjeant Copley.

Q. You say these premises were taken by Mr. Watson for his son?

A. Yes.

Q. And they consisted, I believe, only of a shop?

A. Only of a shop.

Q. The key that has been produced is the key of the shop-door?

Mr. Justice Bayley. He has not ascertained that it is.

Mr. Serjeant Copley. I humbly thank your Lordship for the suggestion; I meant to distinguish it from the other.—Looking at that, you say it bears a resemblance to the key of the shop-door?

A. Certainly.

Q. You have looked at it several times, have not you?

A. I believe it is the shop-door key, but I do not know; it looks like it, but I cannot be positive.

Q. Is it a common kind of key?

A. It is.

Q. What kind of a key was the key of the street-door?

A. I cannot well describe it.

Q. Is it what is commonly called a latch key?

A. It is.

Q. Where was this privy situate?

A. In the yard.

Q. Who occupied the rest of the house?

A. There were several persons in different parts of the house.

Q. Did you say the privy was in the yard?

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A. Yes.

Q. Is it common to the whole house?

A. Yes.

Q. How do you go into the yard, through the passage from the street?

A. Yes, through the passage from the street.

Q. Without going into the shop?

A. Yes.

Q. Leaving the shop on one side?

A. Yes.

Q. You say you have seen Mr. Watson there with his son, at different times?

A. Yes, I have.

Q. He did not sleep there ever, I believe?

A. I do not know that he did.

Mr. Justice Bayley. Do you mean the young or the old one?

Mr. Serjeant Copley. The old one.

Mr. Justice Bayley. You do not know that the son slept there?

A. I do not know; they were there of a night sometimes, and sometimes they were called out on business.

Mr. Serjeant Copley. What business was carried on in the shop?

A. Mr. Watson had drugs and medicines in the shop.

Q. Mr. Watson was a surgeon?

A. Yes, he was.

Lord Ellenborough. Who had drugs in the shop?

A. Mr. Watson; the father told me his son was a surgeon.

Mr. Serjeant Copley. Tell us the last day on which you saw either of the Mr. Watsons there?

A. I cannot tell you the day precisely, but about a fortnight before the second of December was the last time that I recollect seeing either of them there.

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Q. Have you any means of knowing whether any body else afterwards came there into that apartment?

A. It is very improbable that any person came; they could not, unless they had the key, of course.

Q. I talk of the apartment, the shop?

A. Yes, so I understood.

Q. There was a distinct latch-key, as you describe it, to the street-door?

A. Yes.

Re-examined by Mr. Attorney General.

Q. One question I forgot to ask you; had you yourself any access to the shop after the last time that you saw the Watsons there, and before Vickery came the first time?

A. None at all.

Mr. Justice Abbott. Was the other entrance into the shop by first coming into the passage of the house, or was there another door?

A. There were two doors, one door went into the back parlour, but that door was locked and secured.

Q. If a person from the street wished to go into the shop, must he first come into the passage of the house?

A. He must.

Q. The door between the back parlour and the shop was secured?

A. Yes, it was.

Q. Watson had not the key of that?

A. He had not.

Q. Were there shutters to the shop window?

A. Yes, there were.

Q. Inside or outside?

A. Outside.

Q. Whose business was it to open those shutters, your servant's?

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A. No; Mr. Watson the younger's, I believe he opened them.

Q. You say you had not seen him there for about a fortnight before the last Spa-fields meeting?

A. I had not.

Q. Were the outside shutters opened during that time?

A. Never, to my knowledge, I never saw them open during that time.

Q. For some few days previous to the time you last saw them, were the shutters constantly kept open, or were they sometimes up?

A. I believe they were never all taken down; I believe they were open every day except Sunday.

Q. Part of them?

A. Yes.

Q. Never altogether?

A. I do not recollect seeing them all open together.

Q. When young Mr. Watson was out, was there any person attending to give an answer for him in case of any one inquiring?

A. I believe not.

Q. Had any servant or other person belonging to your family, access to the room to sweep it, or make the bed, or any thing of that sort?

A. No one had access but themselves.

Q. Your servant did not go in to sweep it, or clean it, or do any thing of that sort?

A. Never to my knowledge.

Lord Ellenborough. The communication between the shop and the privy is by the passage?

A. Yes.

Q. After their going away, do you know of any body being in the passage, and using that way?

A. I do not.

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Mr. John Vickery sworn.

Examined by Mr. Attorney General.

Q. I believe you are one of the police officers belonging to Bow-street?

A. I am.

Q. Did you go on the 5th of December to a house in Hyde-street, where Mr. Preston lives?

A. I did, that was the day.

Q. Did you go into that shop or room which Mr. Bannister has been speaking of as young Watson's?

A. I did.

Q. How did you get in?

A. The key was inquired for of Mr. Bannister, but it could not be found; nor any other key could be found to open the door, and it was forced.

Mr. Justice Holroyd. The key of the shop?

A. Yes.

Mr. Attorney General. And you forced the door?

A. I did.

Q. Did you make any search about different parts of the shop?

A. I did.

Q. Did you find any papers there?

A. I did.

Q. Whereabouts in the shop did you find any papers?

A. The shop is a small room, and it was completely full of household goods of some sort or other; and there was a sort of mahogany chest, which appeared to be a medicine chest, and the papers were found littered about in different parts; they were all found in that room.

Q. All the papers that were taken were found in that room?

A. They were.

Q. Have you got the papers here which you found in that room.

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A. I have not.

Q. Did you mark them before you delivered them over to any one?

A. I did.

[*Several papers were shown to the witness, and he examined them.*]

Q. Did you find those papers in that shop?

A. I did.

Q. Did you go, at any other times, to make any search there?

A. I did.

Q. I do not want to know every time you went there, unless you found something at least; did you go in the month of March?

A. On the 5th.

Q. Did you see Mr. Bannister when you went on the 5th?

A. Yes. I went at first on the morning of the 5th, and saw Mr. Bannister.

Q. Did you, on that day, search the privy?

A. There was a search partially made in the morning by a man who was with me.

Q. In your presence?

A. Yes, in my presence; and at night the privy was completely cleared in my presence.

Q. Were you present at the time the privy was cleared.

A. I was.

Q. What was found in the privy?

A. There was a pretty large quantity of iron at the bottom; pieces of iron with a point at each end, about eight or ten inches long.

Q. What did you do with that iron which you so found?

A. I saw them washed as clean as they could be made, and they were put into a box, and taken to the office and

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locked up, and kept under my possession all but two, which were parted with to Mr. Litchfield the next day; they were locked up in the office till Saturday, and then they were put into bags and taped and sealed. They had never been out of my possession till they were taped and sealed.

Q. Except two, I think you said?

A. Yes, except two that were given over to Mr. Litchfield on the following morning.

Q. Have you got them here?

A. I have.

[*The witness produced a bag containing them.*]

Q. Did you count them?

A. I counted them the first night; there were 200, all but two, I think. I rather think there were two or three over, when I came to separate them into three parts. I separated them into seventies, and I found there were rather more than seventy in the last part.

Mr. Attorney General. Now, my lord, I am about to put in those papers which Vickery has stated he found.

Mr. Wetherell. There must be a great deal more done as to the papers; the papers stand in a different situation from the spikes. I will ask Mr. Vickery a question.

Cross-examined by Mr. Wetherell.

Q. When was the first time you went to search this house?

A. I think the 5th of December.

Q. That was three days after the meeting.

A. I am not exactly sure as to the time of the meeting.

Q. Can you give the date at the time when you found the papers?

A. Yes, on the 5th of December.

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Q. The papers you produce were found on the search?

A. Yes.

Q. In what part of the house were they found?

A. In the shop.

Q. In the shop that fronts the street?

A. Yes, on the right hand as you enter from the street.

Q. In what part of the shop were they found?

A. I cannot say; there were such a quantity of papers, and there was such confusion, it did not look like a shop that was inhabited.

Q. Were they found in a drawer?

A. Some in a box, and some in one place and some in another.

Q. They were in a good deal of confusion?

A. Yes.

Q. Were the papers, generally, medical or political or enthusiastical, or what?

Mr. Gurney. That the papers themselves will shew.

Mr. Wetherell. There was a general mass of papers?

A. Yes.

Q. And these you selected from them?

A. Yes, I did

Q. Were these locked up, or mixed with the others?

A. There were some in drawers, and some in one place and some in another; I cannot charge my memory as to every one of them.

Mr. Attorney General. I offer those papers in evidence.

Mr. Wetherell. My Lord, in raising an objection in the present state of the evidence, I do not say that they may not, by coupling them with other evidence, or an explanation of their contents, be made evidence; but my objection to them now is, that in the house of one of the two conspirators mentioned on this record, are found certain papers. The objection I stated to your Lordships last,

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with respect to the production of the pikes, stands on a footing very different. Your Lordships were pleased to think, on the notes you had taken of the evidence, that, coupled with what had happened previously, and what passed subsequently in the presence of the Watsons, it was fit they should be received in evidence. The present question stands totally naked of such circumstances: the evidence is, that in the house of a co-conspirator, in this case, certain papers were found; what additional evidence may hereafter be offered to identify any particular paper, as a paper that can be brought home to Mr. Watson, as being a paper to affect him, I do not state at present, I discuss it only in the present state of the case, and in the present state of the evidence. I apprehend that these are not evidence. I apprehend this is the precise point ruled in Mr. Hardy's case; for unless it can be shewn, that these are papers which he has adopted as a conspirator by some supposed link of connection with him, by some supposed appropriation to or adoption by him; it only amounts to this, that certain papers are found. Now, in the case which occurred of Mr. Hardy, there was not only a connection with respect to the parties upon the record, but there was a distinct averment that there were certain papers there, the circulation of which was alleged as one of the overt acts of treason. The treason there charged was the plan and proposal of establishing a convention; and a variety of overt acts were there charged, namely, the composing and circulating papers and writings auxiliary to or conducive to that purpose; the purpose, therefore, was charged as a purpose connected with the papers, and the papers were charged to have been printed, framed, and circulated with a view to carrying into effect that treason. There was, therefore, my Lord, upon that record, as your Lordship will permit me to remind you, an overt act charged, which overt act consisted in the framing and printing treasonable writings,

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and the circulation of those papers directly or indirectly by the co-conspirators.

Lord Ellenborough. It has not been opened to us what is the nature of these papers: there appears, at present, evidence against the younger Watson, respecting the place where they were found; and I think it makes no difference whether they were found on the 2d of December, when he was last visible, or on the 5th of December: but being evidence against the son, they are not necessarily evidence against the father, unless they are in the prosecution of a common design, in which the father and son were joined. Now it has not been opened to us what these papers contain, or whether they are relative to the common object.

Mr. Wetherell. My Lord, the averments of this indictment most laboriously set out the charges, but there is no charge of the composing or circulating of papers.

Lord Ellenborough. They are not necessarily to fall within that term; they may furnish evidence of other overt acts.

Mr. Wetherell. Certainly, my Lord; but if the circulation of papers was one overt act, one should expect to have that charged.

Lord Ellenborough. What is the nature of the papers, Mr. Attorney General?

Mr. Attorney General. My Lord, I will state it. I feared to do it before I had your Lordship's sanction for doing it. Your Lordship will recollect, the witness Castle has proved that the elder Watson shewed him a sort of plan of the Tower; and shewed him also the drawing of a machine to act against cavalry. Two of the papers that are found in this shop appear, upon the face of them, the one to be a sort of plan—I do not mean an accurate plan, but, obviously, a plan of the Tower—and the other, a drawing, upon the face of it, of a machine, such as he has described, with four wheels, and scythes projecting, to act against cavalry.

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Lord Ellenborough. There can be no doubt that they are admissible.

Mr. Solicitor General. There are three others, all conducive to the general plan.

Mr. Attorney General. Among others, there is a copy of the printed bill, for holding the first Spa-fields meeting.

Lord Ellenborough. The plan of the Tower of London is a paper of which you have already given evidence, and also the machine with the scythes.

Mr. Attorney General. Then there is a drawing of the flag, and, as it appears to me, a calculation of military force, and also a list of names. The witness having spoken to certain persons being named as a Committee of Public Safety, and so on; here is a list of names, though there is no title designating what those names are for. I submit to your Lordship, that whatever other papers there are of a political nature, are evidence.

Lord Ellenborough. Those papers we will leave for discussion till we see what they are.

Mr. Wetherell. My Lord, I humbly contend that there is no proof of the antecedent existence of these papers.

Lord Ellenborough. If they are found at the very moment of his departure in a house or place in the occupation of the younger, whether they are evidence as against the father, depends upon their contents being referable to the common design imputed by the evidence to the father and the son.

Mr. Wetherell. Your Lordship is of opinion all these papers are evidence?

Lord Ellenborough. My judgment, and that of my brothers, applies only to those the contents of which have been distinctly stated.

Mr. Gurney. We have selected those which do apply.

Mr. Wetherell. No witness has stated or alleged that

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any paper was produced at the meeting; that was a question I distinctly asked.

Mr. Attorney General. Really Mr. Wetherell is rather arguing on the effect of the evidence than the admissibility of it.

Mr. Wetherell. I beg your Lordship's pardon; it stands upon the notes that no paper was kept.

Mr. Justice Abbott. No, it stands thus: that many papers were destroyed; and that whenever Thistlewood found any, he destroyed them, and that he warned Watson against keeping papers by him.

Lord Ellenborough. And he destroyed some songs?

Mr. Wetherell. There is no evidence that any paper was produced at any meeting; and the question comes to this, no witness having alleged the production of any paper at any common meeting, no circumstance having been stated to prove the production of any paper, whether such paper is evidence.

Mr. Attorney General. I must take the liberty of saying, that this is arguing upon the effect of the papers, and not upon their admissibility.

Mr. Serjeant Copley. Will your Lordship allow me to suggest, that there may be a distinction drawn between two of the papers mentioned by the Attorney General and two others. Castle has spoken to two of the papers.

Lord Ellenborough. We will hear these two papers which you refer to; and then hear your argument, if you please, on the others.

Mr. Justice Bayley. These stand upon this principle; they were found in the possession of young Watson, at what you may consider a period antecedent to the meeting on the 2d of December, because there is no evidence to shew that young Watson was ever at those lodgings after the 2d of December until the search; and the evidence of the master of the house is, that he thinks it most impro-

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bable that any person could have got into that room from the time when young Watson left it until the period when the search was made, that no person could have got in without having the key; therefore, that raises a presumption that those things in the room on the 5th of December were in the same state in which they had been on the 2d and preceding days. This, therefore, is evidence that these papers were found in the possession of these parties being there, and having been there long previous to the 2d of December.

Mr. Barlow. The first paper is the plan of a machine; there is some writing at the back.

Mr. Attorney General. I do not know when that was put on. [*To Vickery.*] Is that paper, and particularly directing your attention to the writing on the back, in the same state as it was when you found it, except your own mark upon it?

A. I think it is.

Mr. Justice Bayley. Have you any doubt about it?

A. I have no doubt of it; there is a mark upon it of my putting.

Mr. Gurney. Will you read now what is written on the back?

[*It was read as follows:*]

William Beaufoy, No. 3, Slaughter-street. Thomas Moore, No. 3, Slaughter-street.

Query. Have all men a right to an equal participation in land.—A. Yes, as all men require the productions of the earth and water to exist, it is clear, nature intended those elements equally for all mankind.

Mr. Wetherell. The question is, whether this comes within any object charged here, which I would submit to your Lordships attention. In Mr. Hardy's case, to which I have alluded, "my Lord President says, that the only

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ground of the rule is, that being found afterwards, it possibly might not exist previous, and therefore was no proof that the prisoner was a party to it; but if they remove that objection, and shew that, in fact, it did exist before his apprehension, the objection exists no longer."—Now I admit that as this machine has been spoken to, the production of such a paper, though it is not brought home to the prisoner, derives some countenance from the fact of some person having spoken of it at a meeting of the persons charged, and I understand there is some paper connected with the Tower. If the statement of some object connected with the paper raises the fact of the existence of that object, there is a certain something connected with the paper produced, to remove the supposition that it may have been put into that place since the arrest of the parties; but unless that link is made out, I do submit that the principle laid down here applies, and that is a stronger case than the present for the circulation of papers, there was one of the means charged in accomplishing the conspiracy.

Mr. Justice Abbott. I beg to call your attention to one very important distinction in the fact. That was a case of papers found in the possession of persons after Mr. Hardy's apprehension, which parties, although charged by the evidence to be in combination with him, might for aught which appeared to the contrary, have first acquired the possession of those papers after his apprehension. Now look at this fact; these papers are found in a room of which the younger Watson kept the key, into which no person had access, and he himself was never known to have been there for the period of a fortnight before the 2d of December: those papers, therefore, are upon that evidence proved to have been in that room one fortnight before the elder Watson was apprehended, he being apprehended on the 2d of December; that room is as much marked with secrecy as the strong box in any gentleman's house would be.

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Mr. Wetherell. I am sure your Lordships will give me credit——

Mr. Justice Abbott. I only wished you to be aware, as you were comparing this case with Hardy's, of the distinction between that case and this.

Mr. Wetherell. There is another point in Hardy's trial which I apprehend fortifies my objection. There was offered in evidence a letter written by Thelwall to a third person, not a member of the society, stated to have consisted of seditious songs and songs sung at their meetings; and that was not allowed to be read in evidence. That was brought much nearer, for that was a paper written by a co-conspirator, and containing matter in the most direct sense auxiliary to the purpose charged; but because it was a letter written to a third party, though all the meetings and proceedings of that society were matter of charge——

Lord Ellenborough. A letter from Martin, I think.

Mr. Wetherell. No, my Lord, a letter from Thelwall, giving an account of the proceedings at one of these anniversary dinners; their songs, their toasts, their discussions, those were means to carry into effect their conspiracy, but it was decided that that was not evidence against another co-conspirator. Now there, there were media of connection infinitely closer than any here, for there, there was an identity of purpose charged, an identity of object charged, and there was a confederacy made out, they were members of the same society; there was a union so close and distinct, as that they were in some respects identically the same persons; and yet though Mr. Justice Buller was for the reception of that evidence, the other four learned judges were decidedly against it. That was a stronger case for the reception of that paper than the present, but the learned judges there were all of them, except Mr. Justice Buller, of opinion it could not be received; there is an account of the argument, and——

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Mr. Justice Abbott. Mr. Justice Grose as well, I believe.

Mr. Wetherell. Yes, my Lord, I believe it is so; the learned judges, with the exception of Mr. Justice Buller and Mr. Justice Grose, were against the reception of that paper. Now I humbly contend, that the reception of this stands on grounds in many degrees more remote, with respect to any presumable connexion in law, though I humbly contend, the reception is a question of law depending upon the fact. After the apprehension of one conspirator, papers are found—though I will not repeat, after what your Lordship has said, that which I ought not; as to the overt act charged—papers, no matter what, are found after the arrest of one co-conspirator, in his house. How are they brought home, as papers conducive to the purpose of the conspiracy? The purpose of the conspiracy here is charged so multifariously upon this record, that God knows one cannot tell what the allegation is. I cannot tell what are charged; there are treasonable speeches charged, and there are pikes charged, and there are handbills charged. Why, my Lord, if this paper corresponded with placards or advertisements, it might be said, that, independently of the evidence, you might raise a presumed connexion between the treason charged upon the record and the paper; though I should deny that the mere treason, charged upon the record and the paper, was in point of fact, a link of connexion; for the link of connexion depends upon a proposition of fact. My Lord, the way in which the Lord President states it is this: he says, "I agree that where several persons are concerned in a conspiracy, that all the transactions of the conspiracy by the different parties may and ought to be given in evidence."

Lord Ellenborough. You have given a mistaken appellation to that highly respected person. He was never, in the course of that trial, called the Lord President.

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Mr. Wetherell. That appellation is given to him in this book.

Lord Ellenborough. He was never called so.

Mr. Wetherell. It does seem to me, that the decision upon this important occasion, is one completely governing this; for I have found no decision, looking, as I have done, with laborious research, that seems to infringe upon the decision. Now, my Lord, the Lord Chief Justice says, "I agree that where several persons are concerned in a conspiracy, all the transactions of the conspiracy by the different parties may and ought to be given in evidence, and it is enough if the party accused can be brought to be privy to that general conspiracy; for if he be so proved, every thing done by the general party must also be imputed to him;" but this is begging the whole question.

Lord Ellenborough. Mr. Attorney General, I should doubt whether you would, on consideration, press this evidence, and upon this ground, that it does not appear sufficiently relevant to the object of the general design.

Mr. Solicitor General. Your Lordship alludes to the indorsement.

Lord Ellenborough. Yes, the indorsement. There can be no doubt as to the plan of the machine being evidence, but the words written upon it do not appear sufficiently pregnant to the general design. I do not mean to say, that I would be bound by the decision which took place on Hardy's trial. There is a great deal in the argument of Mr. Justice Buller and Mr. Justice Grose; when it may be material to consider, that I beg not to be understood as concluded.

Mr. Wetherell. Mr. Justice Buller viewed it analogous to the cry of the mob in Lord George Gordon's case; but there was a great distinction.

Lord Ellenborough. However, the Court think they

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may receive the drawing, but not the inscription upon the back of it.

Mr. Gurney. The second paper is the plan of the Tower.

Lord Ellenborough. Is this proved to be the paper spoken to by Castle?

Mr. Gurney. We shall call another witness, to prove this is a plan of the Tower.

Mr. Serjeant Copley. His Lordship asked, whether those were the identical papers shown to Castle.

Lord Ellenborough. It does not appear, certainly, that they were the identical papers, but they are sufficiently connected with the general design about the Tower, to entitle them to admission, whether they were shown to Castle or not.

Mr. Wetherell. We must have a witness to prove that it is a plan of the Tower.

Mr. Gurney. You shall.

Mr. Justice Abbott. It almost bears that upon the face of it.

[*It was shewn to the Jury, and to the Counsel for the prisoner.*]

Mr. Attorney General. The next paper is the string of names.

Mr. Wetherell. Is there any title to that?

Mr. Gurney. No, there is not.

Mr. Wetherell. Then I object to it; Castle has sworn to some committee; and if this appears to be a list of a committee, that may connect it.

Mr. Justice Bayley. There was a paper put in evidence, with the title C. P. S.

Mr. Wetherell. Is this marked C. P. S.?

Mr. Gurney. No, it is not.

Mr. Justice Bayley. There are the same names.

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Mr. Gurney. They are not all the same; there are some variances, I believe.

Mr. Wetherell. I object to this, my Lord. A paper, containing the designation which Castle has spoken to, of C. P. S. may be sufficiently proved; but this I apprehend cannot be admitted; we shall have the red book given in evidence by-and-by.

Mr. Serjeant Copley. Your Lordship has decided, that no paper can be received, unless it imports to have reference to the conspiracy; now, no man can say this imports to have reference to the conspiracy.

Lord Ellenborough. Very frequently a provision is made for the subversion of the Government by the substitution of other names, therefore a most pregnant use can be made of it.

Mr. Justice Bayley. One party might have one list of names to propose, and another party different names.

Mr. Serjeant Copley. If it was marked, so as to designate it with the object, I should not object to it; but this is not.

Mr. Justice Bayley. There is enough to connect it, certainly.

[*It was read, as follows:*]

F^{s} Burdett.	Ga^{e} Jones.
Thos Hardy.	Roscoe.
Saml Brooks.	Walter Faulkes.
Chas Puller.	Thomson, P. G.
Thos Evans, Senr.	Waithman, L. J.
G^{e} Harris.	Thos Evans, Junr, S. J.

Mr. Barlow. The next is a letter directed to Mr. Preston.

Mr. Attorney General. No, put that by, I do not offer that at present.

Mr. Barlow. The next appears to be a description of the flag. Nature to feed the hungry; truth to protect the oppressed; justice to punish crimes.

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Mr. Solicitor General. That is accompanied by a drawing of the flag?

Mr. Barlow. Yes, it is; there is something written at the back.

[*It was read, as follows:*]

Friends, and Fellow Citizens,

It will not be necessary for me to state the purpose of our meeting this day, as it was generally understood on Friday, it being one of our resolutions. Sir F. B. on account of the dangerous state of his son's health, declines presenting the petition to the George Gwelps ——————— commonly called the ——— ———. Mr. Hunt endeavoured to do it. He was refused admittance. He sent it to the ——— We have received no answer, neither do we see or hear of any attempt to call the Par together.

Mr. Wetherell. Does your Lordship think that that writing should be received in evidence?

Lord Ellenborough. Yes, certainly, this is referable to the general design.

Mr. Justice Bayley. It is a plan of a speech to be used at that meeting.

Mr. Richardson. Castle said that three of them had prepared their speeches.

Mr. Wetherell. I wish to see the next before it is read. I should have objected to the last, if I had seen it before it was read, certainly.

[*The paper proposed to be read was handed to Mr. Wetherell.*]

Mr. Wetherell. I do not know what this paper is, we have had no evidence at all about it; there is something about soldiers.

Mr. Gurney. It consists of questions and answers.

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specting the state of the soldiers; it is full of alterations in the style.

Mr. Wetherell. The ground on which I raise the objection is, the ground on which so much argument was raised in Mr. Sydney's case, namely; that unless it is shown that a particular paper has been framed by the party for active and instrumental purposes, the mere possession of the paper is itself no evidence that it was to be used, there being no evidence here that any printed address was circulated amongst the soldiers; if there had been, they might have been proved in evidence.

Mr. Gurney. I will beg to read one line, to show its connection with the charge. "How long will a nation endure oppression? Till distress is universal, and parents and children see each other starving; the wants of the belly create a fever of the brain.—When interested men have caused universal distress, what is the probable consequence? Vengeance.—Can the arm of power prevent vengeance? No!!! men will not obey oppressors; the laws of nature forbid it.—Is it unjust to destroy oppression? Oppression is unnatural and ought to be destroyed.—What can justify opposition to men in power? Their crimes, intolerance, and injustice.—When ought men to resist power? When rulers by obstinacy have ruined their country, and the people are starving.—How long ought soldiers to obey their commanders? As long as the orders of their commanders are founded on justice. Can any conduct of commanders tolerate disobedience of orders? When orders to support tyranny and oppression and increase distress are given, contrary to the will and interests of a nation, the commanders are unjust, and injustice ought never to be obeyed.—Ought soldiers to be the judges of their country's wrongs? Soldiers are men; they have feelings in common with their brethren, and can judge when rulers oppress the people.—When rulers

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are oppressors and have ruined a country, is it right in soldiers to disobey commanders? Soldiers ought not to be mercenaries, they are a part of the people; they ought not to add to the miseries of their starving industrious brethren; they are paid to cherish and protect them, and not to destroy them. Are soldiers less benevolent and just than other men? Soldiers have feelings and honesty in common with their countrymen; they take up arms to oppose enemies; they have a right to be well paid for their dangers; brave spirits always commiserate brethren in distress."

Mr. Wetherell. This is enough as a specimen, Mr. Gurney; now I raise the objection.

Mr Gurney. Ought the soldiers ever to join their countrymen against oppressors?—When the rulers have placed themselves and their nation under a foreign controul, the soldiers and people ought to have but one feeling.

Lord Ellenborough. This has all a reference to the general object charged; meetings with soldiers, and endeavours to seduce them.

Mr. Wetherell. Your Lordship will allow me to return to my original objection. If it was part of the charge that any placard or paper was to be circulated among soldiers—

Lord Ellenborough. You recollect the conversations reported to be had with soldiers, of similar import, and with the same obvious tendency.

Mr. Wetherell. Your Lordship will permit me to observe, this is put as a paper, which the Crown may use, as if they had proved the object to print and circulate it among soldiers. If it had been given in evidence, that it was proposed to distribute among soldiers a written paper or placard to draw soldiers from their allegiance, I agree, in accordance with the principle your Lordship has laid down, that it would be evidence; then there would have been a connection between the means used and the end to be

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attained: but I submit, they cannot produce out of a man's scrutoire a series of questions and answers, a written paper, which no witness proves ever was printed, which no witness proves ever was proposed to be printed, which no witness proves ever was attempted to be put into circulation; and by that to subject a man to precisely the same consequences as if he had deliberately formed a plan to print it; for they are now raising against this prisoner precisely the same effect upon the evidence, as if there had been proved to be a plan to subvert military discipline by the publication of papers, and as if they had proved that this was printed. This paper, found in a man's scrutoire, brought out of his desk, is not, I submit, to be put in evidence against him, precisely in the same way as if it was printed and circulated. My Lord, I have never heard the rule of evidence in Mr. Sydney's case disputed. I understand the rule to be this—that papers which were not circulated, and of the proposed circulation of which no evidence was given—

Lord Ellenborough. In Sydney's case the paper found had no reference to any facts whatever.

Mr. Wetherell. It contained abstract principles subversive of the Government; so it is here; these are general principles; they are systems of abstract discipline, referable to the army, or referable to the Government. Some of the questions are precisely the same as those which occasioned the point in Mr. Sydney's case. I apprehend that a paper found in a man's desk, unless you couple with it proof of an intent to publish it, or the fact of publication, is a thing resting in *gremio*; a thing not acted upon, not made instrumental to the conspiracy; for if it was never out of his desk (and there is no evidence that this paper ever was out of this man's desk) it appears that it was innoxious for any alledged purpose. Is there any evidence, that, in any of the meetings of those persons,

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there was a mention or idea of circulating or printing such a paper? You have no charge of the kind upon the record; nor have you in evidence any one link of connexion, direct or indirect, with that paper. There is, indeed, upon the record a charge of attempts to seduce soldiers, and there has been evidence of a tampering; what is called a tampering with soldiers, or endeavouring to seduce them from their allegiance, is one thing; but this, I apprehend, cannot be read, unless my learned friends first prove that there was a proposal to publish, or they can give evidence of publication. I have looked at this with anxiety, but I cannot see that there is any ground for its reception; a reception of evidence of this kind for once, is a reception of it for ever, and no man can see to what endless latitude of reception of other papers this may go; if they may read a paper as to seducing soldiers from their allegiance, they may go on to read any paper with reference to subverting any man from his allegiance. If there had been any of Mr. Prynn's writings, any writing constructively or according to any mode of argument hostile in any sense, in any degree, to what may be alledged to be the King's Government, all those papers would be receivable in evidence; for I can make no distinction. Will the gentlemen answer me this question? I will suppose that a seditious song had been found there, which had nothing to do with the soldiers, with the army; will they tell me that song is to be produced? They must contend, that any paper, in any respect whatever connected with the Government and constitution of the country, is receivable in evidence, though there is no charge made out on the record, or any evidence produced at the bar, that there ever was an intention of making such a publication. If that paper is received, I can circumscribe no marks or boundaries which may exclude any papers. If there had

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been a copy of any speech intended to be spoken in *grœmio mentis*, which perhaps the party intended to act upon, or which perhaps he did not intend to act upon, according to the same principle, any unindicted publication, any paper, which *ex hypotheca* you can show the party never meant to show, may be received; the Attorney General must reason that this was intended to be used, and that therefore it is to be received, though there is not a particle of proof to show that it was intended to be made conducive to treason.

My Lord, I do take the liberty of pressing this most strongly, and I conceive it is not affected by former decisions. Your Lordships have ruled, that it being in evidence that the Tower was to be attacked, a plan promotive of the purpose of attacking the Tower is to be received; but what link of connexion have you to show that this particular paper is conducive to the particular object stated upon this record. It is upon this ground that I venture to state this for your Lordship's consideration.

Lord Ellenborough. What you have stated is very worthy of consideration; you shall either conclude it now, or I should wish the Attorney General to look at this paper, and tell me what common design of the conspirators this has reference to?

Mr. Serjeant Copley. My Lord—

Lord Ellenborough. I wished to put it to Mr. Wetherell, which he preferred; but Mr. Wetherell may conclude.

Mr. Wetherell. My Lord, I submit that that unedited and unpublished paper is not evidence.

Lord Ellenborough. Putting it as an unedited paper is carrying it too far.

Mr. Serjeant Copley. I will trouble your Lordships on the same side as Mr. Wetherell; he has gone so fully into the question, I will trouble the Court very shortly; I do

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not know whether I rightly understood it, or whether it was put to the Attorney General.

Lord Ellenborough. No; we will hear the argument through now; I will not break it.

Mr. Serjeant Copley. I will address a very few words to the Court. Really this appears to me to fall precisely within the principle of Sydney's case, which Mr. Wetherell has cited; what were the circumstances and the facts of that case? Sydney had written a book recommendatory of republican principles, enforcing those principles with great power of argument and with great zeal. When Sydney was put upon his trial, and charged with compassing and imagining the death of the King, and with fomenting a rebellion against the King, this book was produced in evidence, for the purpose of proving that his principles were of such a nature, and his mind so constituted, as to lead a Jury to believe that he did entertain the principles stated upon the record;—it was for the purpose of producing that effect, that the evidence was received.

Lord Ellenborough. It was produced as an overt act, and it was none; there was no publication; Sydney's case is as clear of this as can be; there was no publication, no overt act.

Mr. Serjeant Copley. As I understand, there the only question was upon the publication. There had been no publication; it was an abstract question in his closet; it might be made use of to show the principles of the writer, but not to show that he meant to carry into effect any hypothetical criminal intent. Now see how perfectly analagous that is to the present. That was a treatise on republican principles, for the purpose of enforcing them; this is a treatise on a question which every man is at liberty to discuss. I do not mean to say that every man is at liberty to circulate among the people the result of his enquiries upon the subject; but every man has a right to

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canvass and to discuss, and to treat in his own closet, and form his own conclusions as to the extent to which military obedience ought to be carried; every man has a right to do that; and if he has written any treatise upon the subject, if he has answered any question in his closet, as a matter of speculation and enquiry upon the subject, and has never promulgated that to the world, I take upon myself to say, in my judgment, it is cruel to adduce that to show that he has entered into any criminal conspiracy, for the purpose of showing that it is probable that the character of that man's mind is such, that he has made attempts to seduce soldiers from their allegiance; it has never been revealed to the world, nor acted upon in any instance whatever. Then for what is this speculative tract offered; for the purpose of showing that this man has probably been acting in this manner; that he has tampered with the soldiers. The principles I apprehend are the same as in the case to which my learned friend has referred; the one is a question as to civil, the other as to military obedience; and I cannot, in my apprehension, sever the one from the other, or show that, in point of principle or sense, there is any difference between them; for this reason, there being no evidence to show this was ever intended to be acted upon, it being merely a series of questions, having a series of answers returned to them, perhaps not being the understanding and the result of the man's own judgment, but perhaps proceeding in the course of an enquiry for the purpose of settling his judgment; an unfinished paper from the very appearance of it, full of alterations and erasures; it would, I conceive, be cruel to make use of it. Does it not happen to any man, that entering into a consideration of politics or metaphysics, a man puts down certain principles; is it to be said, that being in the course of being altered, that is to be taken as conclusive, and as establishing a discreet judgment

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upon the point. I say, in the first place, it does not appear that these were the sentiments of the individual; but even if they were, as they were not exposed to the world, I apprehend that they cannot be used for the purpose for which my learned friends seek to use them; that they cannot use them for the purpose of showing that the prisoner was guilty of some conspiracy to seduce the soldiers from their allegiance; and it is with that object and view alone that they are now offered in evidence, to show the probability of guilt.

My learned friend has just suggested another material circumstance in Sydney's case: the papers were found in the hand-writing of the defendant; it is not pretended that these were in the hand-writing of the prisoner, or of any one of the conspirators, as they are charged. My learned friend does not say that he shall prove that. It does not follow that these are the result of young Mr. Watson's own conviction; for any thing which appears to the contrary, they may have been handed to him, and he may have taken them with a view to refuting them. They are found in his closet; every man has papers in his closet received from his friends, selected from curiosity, taken from other persons, sometimes with a view to refuting and answering them; how does it appear that he has not received these for the purpose of giving answers to them, and showing the fallacy of the principles on which they are founded. I submit that, on every view of it, according to every principle of right reasoning, it would be an intolerable hardship to make use of this paper against the gentleman whose conduct is in question.

Mr. Attorney General. If your Lordship shall think this paper ought not to be received in evidence, I shall be extremely unwilling to press it upon your Lordship, or the gentlemen of the Jury; but I do submit, that the paper is receivable in evidence, not as a paper found in the

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man's possession, which may be matter of speculative reasoning in his own mind, or put into his possession by another man, as put by Brother Copley, for the purpose of his refuting it; for it will not be supposed that we are attempting to bring forward any papers unconnected with acts committed—certainly not. I am sure my learned friends, Mr. Wetherell and Mr. Serjeant Copley, must be aware that the point we are now arguing before your Lordship, is as different from the case of Sydney as any two cases that were ever spoken of in any Court of Justice. My Lord, I offer to produce this paper, because I say it is connected with the acts; when I say it is, I mean that I contend that it is contending, according to my own conviction, which has nothing to do with the case as in opposition to your Lordships judgment, but I am producing this paper before your Lordships, because I conceive it to be connected with, and confirmatory of, the acts proved, at present proved, to have been committed by the defendant and the other persons charged with him, manifesting a common mind, which common mind they had manifested by the other acts which have been proved. My Lord, part of the doctrine of my learned friends goes to that extent, that it seems to me it would destroy the admissibility of any papers, unless it were shown that those papers had been printed and circulated. I do not offer this as a paper printed and circulated, or intended to be so; but that it has been proved, and when I say proved, I hope I shall not be misunderstood in arguing in any stage of the cause, whether the evidence about which we are arguing is admissible or not; it must be taken for granted, that the facts offered in confirmation have been proved; therefore I say it has been proved, that the common mind of these persons was to subvert the Government of the country, and that the means they took was that of endeavouring to infuse into the minds of the lower orders of the

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mechanics and so on, amongst whom they went, an opinion of oppression and injustice towards them, and more particularly among the soldiers, as one of the means to draw and seduce the soldiers from their duty, and to persuade those soldiers to be with them, and not to act in resistance of any acts they should commit; and that is established by that notorious act of exhibiting the banner, which they had at one of their meetings. Whatever language this paper may be couched in, the question is, as I apprehend, whether it does not contain confirmatory evidence, and mark out that the objects they had in view at the time, were those acts which it is proved were to effect the purpose of seducing the soldiers from the duty which they owed to their country, and from the obedience which they owed to their officers. My Lord, it matters not whether it is put in the shape of question and answer, nor does it matter in what shape it is put; the question is, whether it is not so connected with those acts that have been proved, as to be ample confirmatory evidence of that which has been stated and proved by the witnesses.

My Lord, this is a very different case from the case of Mr. Sydney; this is not charging a man with one species of offence as it were, and then producing some paper which is in his possession, whether in his own hand-writing no matter; we do not produce a paper found in his possession, to show from that paper that he is a man of that sort of mind, that he is likely to do the act. This paper, found in the possession of one of the persons charged, is actually connected with, and confirmatory of that which they have been about, marking and manifesting a common mind amongst these persons.

Lord Ellenborough. Mr. Attorney General, you need not labour to shew the entire diversity between this case and Mr. Sydney's. In Mr. Sydney's case, the paper itself had no reference to any given object, it contained mere

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speculations, unpublished and within his own apartment; the question here is, how do you apply this as conducive to effectuating any of the purposes of the conspiracy. It is proved there had been communications to soldiers, but does this relate to any measure to be adopted for the corruption of soldiers, which appears then to have been in contemplation? It does not appear that it was intended to circulate papers, in the view of question and answer, to corrupt the minds of the soldiers; if it had appeared that publications were in contemplation, and this remained in the possession of this person to be so used, it might be an indication of that purpose, and might be admissible in that way. The difficulty which has struck me is, how it effectuates any of the purposes of the conspiracy stated in the evidence. It does not appear that there had been any paper drawn out in this form, or any thing of the kind; if I could find that, I should have no objection to its being received.

Mr. Attorney General. Certainly, my Lord, there is no evidence of an intention to circulate papers, but there has been evidence of their going about to the soldiers.

Lord Ellenborough. No doubt.

Mr. Attorney General. They engaged in conversation with the soldiers, endeavouring to persuade the soldiers not to act against them, but to be dissatisfied with the situation in which they stood, and with their officers and the government; and particularly for the purpose, as it has been proved, of drawing those soldiers from their allegiance and their duty. Now, my Lord, I humbly submit to your Lordship, it is connected with that; but I will not take up more of your Lordships time, but will conclude by saying this, If your Lordships do not think that it is fairly and fully and properly admissible, I will withdraw that paper from your Lordships consideration. I hope your Lordships will do me the justice to believe that I would not have put that

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paper before you, if I did not conceive (perhaps erroneously) that it was evidence; for I would not offer any paper that I conceived was not evidence.

Lord Ellenborough. I think you were right in offering it; and when first offered, my opinion went strongly in favour of its reception. Do you wish to be heard, Mr. Solicitor General?

Mr. Solicitor General. No, my Lord, I do not, after what the Attorney General has said. If your Lordships have the least doubt I will not press it.

Lord Ellenborough. If there is any doubt, one's inclination will be to reject a paper offered against the defendant in such a case. It appears to me that if there had been the charge of a design to corrupt the soldiers by written papers circulated amongst them, this would have been evidence of a paper to effectuate this purpose; at present it appears to me rather too abstract and too little connected with any object of the conspiracy, as it has been detailed; that renders it, in my opinion, more safe to reject the evidence, though it would certainly bear a good deal of argument quite independent of Sydney's case.

Mr. Justice Bayley. It appears to me this is a question of very considerable doubt; and I am by no means prepared to say that this paper is not in strictness evidence; but I think that it admits of so much doubt, that the Attorney General has exercised a very wise discretion in withdrawing it from the consideration of the Court; because, in cases of this description, of course, one would never receive any evidence with respect to which any one could fairly and reasonably entertain doubt. I will state, in a word, what produces the doubt in my mind whether it be not admissible. It does appear in evidence that they go about to different public houses, and that they occasionally intermix themselves with the soldiers in those public houses; and if I could see clearly and satisfactorily

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that this was a selection of materials to be made use of by this party, or by any of the other parties, in furtherance of the common purpose, then I should think that it might be receivable in evidence; and that is the doubt which has been existing in my mind upon the question, whether it is receivable or not. But it does not appear upon any part of the evidence, that it was any part of the general plan that questions should be collected, and that questions of a specific nature should be put to the soldiers; and that being the case, it may be that this is merely a collection of questions and answers which the younger Watson might make use of for himself, and that it was not any part of the common purpose and design. There is no question, that whatever is the act of one of the common conspirators, in furtherance of the common design, is evidence against all; and it is questionable at least, whether collecting treasonable questions, and putting treasonable answers to such questions, may not be a collection of treasonable materials in furtherance of the design, and may not be an act done; but I think it is so far questionable, that it is a safer rule in this case that it should be permitted to be withdrawn.

Mr. Justice Abbott. If the court were called upon to decide, whether these papers were admissible in evidence or not, I should have wished, before I gave an opinion upon the subject, to have heard the argument, for I think the question one of great nicety; but I think the Attorney General has acted with sound discretion and great humanity also, in withdrawing the paper from the consideration of the Court. The argument on the part of the prisoner was founded upon a supposed similarity between this paper and the paper in Sydney's case; and it was objected, that the paper there was an unpublished paper. I have never understood that that was the ground on which that was determined. I find in the book before me, Justice Foster

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and Justice Blackstone have each spoken of that case in a different way, and I will read what they say. The writer here, Mr. East, says, "Writings plainly applicable to some treasonable design in contemplation, are clear and satisfactory evidence of such design, although not published. If, says Mr. Justice Foster and Mr. Justice Blackstone, the papers found in Sydney's closet had been plainly relative to the other treasonable practices charged in the indictment, they might have been read in evidence against him." That, as I have always understood, was the foundation of the objection that has constantly been made to the receiving of the evidence; there the paper was not only an unpublished paper (I advert to the passage I have just read), but a paper appearing to have been composed several years, as far as the witnesses could judge from the character of the hand-writing before the crime charged to have been committed. In the present state of the evidence I feel a great difficulty in saying, whether this is or not sufficiently and clearly referable to the case, to make it admissible in evidence. I have still considerable doubt upon the subject. The present inclination of my opinion is, that it is too abstract in its nature and in its terms, as my Lord has observed, to be considered as having a reference to it. As I have said, however, before I decided this, I should have wished to have heard further argument. I mention what I have done, lest any mistake should go abroad from the objection made by the counsel for the prisoner in assimilating this to the paper in Mr. Sydney's case.

Mr. Justice Holroyd. The paper in this case certainly is very dissimilar to the paper in Sydney's case, and I certainly should have desired to have heard further evidence before I had made up my mind upon the point. I am not prepared to say that it would be evidence, nor am I prepared to say it would not; it would have been evidence

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only as confirmatory of Castle, and of the facts proved by the other witnesses; and the question is, whether it is not too abstract for that purpose; but the Attorney General has, by withdrawing the paper, removed the necessity for any further discussion of the point.

[*A copy of the hand-bill for the meeting in Spa-fields, on the* 15*th of November* 1816, *was read.*]

Mr. Attorney General. Do not read the next at present. My Lord, I am about to read the paper in Mr. Barlow's hand.

Mr. Wetherell. My Lord, the Attorney General has had the kindness to let me look over the papers in Mr. Barlow's hands, and it appears to me to be for some abstract purpose; I do not know what the paper is.

Mr. Attorney General. Hand it up to my Lord.

Lord Ellenborough. This has reference enough to the design, as far as it can be made out; but what it says when one has got this length, does not appear; it is all in blank.

Mr. Wetherell. It is some proposition in algebra.

Lord Ellenborough. I dare say it is some calculation; the subject to which it relates would make it evidence, but I cannot read it into any sense myself.

Mr. Wetherell. If the Attorney General will have the goodness to decipher it for us, I suppose he will make something of it; but I cannot make any thing of it.

Mr. Solicitor General. We will explain it in its proper time.

Lord Ellenborough. How can we read it? That is the question?

Mr. Wetherell. If the Attorney General will give us a demonstration of these things, it might be satisfactory. I do not know what in the world it is.

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Lord Ellenborough. Have you any witness you would call to explain it?

Mr. Attorney General. With great deference to your Lordship, it explains itself.

Mr. Justice Abbott. It certainly appears to be some very obscure calculation, with reference to some things spoken of here.

Lord Ellenborough. We cannot take this down in words; it must be by a fac simile, and then we must have an explanation. There is £.1,000 multiplied by 40, but 2,000,000 is the sum of which we have evidence; we have no account of 4,000,000.

Mr. Attorney General. My Lord, I apprehend that which is written——

Mr. Wetherell. We must take the whole together, the intelligible and the unintelligible.

Mr. Attorney General. I submit to your Lordship this is evidence of different forces, though the numbers that are calculated of those different forces, or the distribution of them is in hieroglyphic. The first, Att^{y}, I should take to be Artillery; H. G^{ds}, Horse Guards; F. G^{ds}, Foot Guards; Amm^{tn}, Ammunition; H. G^{ds}, Horse Guards; F. G^{ds}, Foot Guards; B^{k}, Bank; and T^{wr}, Tower. I apprehend, so far it is evidence, as a list found in young Mr. Watson's possession. When I say, found in his possession, I mean found in his house; that it is an enumeration of different corps of His Majesty's forces, and I conceive that it applies to the evidence which has been given on the subject of the design spoken to of some attack or other on His Majesty's forces.

Lord Ellenborough. How can one make out what ammunition means. If you admit it, you must say it is capable of some sensible meaning; if you can shew me what it is, the place where it is found would entitle it to be received; but what can be made of it when it is

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received? Have you any body you can call to prove they had either seen it, or had had communication upon these topics?

Mr. Attorney General. I have no witness to call who can prove any thing further than appears; it is a list of different forces, of artillery, of ammunition, of horse guards, of foot guards, Bank, Tower, and so on.

Lord Ellenborough. Unless you can make out that a calculation of the military force was on any occasion connected with the conspiracy, I do not see how it can be evidence; the objection to it is not that it is inadmissible, but that, when it is admitted, we can make nothing of it.

Mr. Attorney General. If your Lordship is of that opinion, I will not desire to have it read, certainly.

Thomas Hillingworth sworn.

Examined by Mr. Solicitor General.

Q. I believe you are, or were, a servant to Mr. Leach, a gentleman at the bar?

A. I am now.

Q. Do you recollect being at a public house in Long-acre, Newton, I think, is the name of the landlord, on the 5th of November last.

A. Yes, I do.

Q. Whilst you were there, did you observe any young man?

A. Yes, I did.

Q. In what part of the house were you?

A. In a little parlour next the bar.

Q. Were any persons with this young man?

A. They came in one by one, to the best of my recollection.

Q. How many?

A. Four, I recollect perfectly well, but whether there were more I am not certain; very few more.

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Q. When they came in, did this young man address any conversation to you?

A. Yes, he did.

Q. What was the nature of his conversation with you?

A. When I went into the house first, I went in company with a nobleman's servant who wore a livery; they seemed discoursing amongst themselves for a little while, and then turned round, and observed, that the crest upon his button was the crest of a lord, and they asked him who made his master a lord.

Lord Ellenborough. There was a coronet upon the button?

A. Yes, and he could make no answer, not readily, to this question that was put to him; after a little while they turned to me and put the same question to me, upon which I explained it as well as I knew how; and after my explanation to the person, whom I believe to be the younger Watson, they asked me how this nobleman came to be possessed of so much landed property as he was possessed of; and they turned round to the servant, and told him he had a right to as much land as his master, and that the time was now fast approaching when he would be as good a man as his master, and possess as much property; and he also asked by what right he held this property.

Mr. Justice Bayley. Who asked?

A. This man put the question.

Lord Ellenborough. Have you any reason for attributing to him the name of young Watson?

A. Only from the description given of him.

Lord Ellenborough. Was he called by that name?

A. I heard no name mentioned at all.

Mr. Solicitor General. We have given evidence, by Castle, (indeed it was on the cross-examination of my learned friend, Mr. Wetherell) to the quarrel between

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young Watson and Mr. Leach's servant at the public-house.

Mr. Wetherell. No, it did not appear that it was Mr. Leach's servant.

Mr. Solicitor General. You yourself put the question, whether it was not Chancellor Leach's servant.

Lord Ellenborough. Perhaps the proof would not have come in with the particular name without your question on Castle's evidence; certainly it stands, that it was young Watson.

Mr. Solicitor General. Castle expressly stated that it was young Watson.

Lord Ellenborough. Yes, he did.

Mr. Wetherell. He did not say who this young man was; he said there was a violent quarrel between this young man and the servant of an attorney. Now, my learned friend, Mr. Leach, is considerably higher than an attorney.

Mr. Solicitor General. Or a lawyer.

Mr. Wetherell. My learned friend, Mr. Leach, is considerably higher than a lawyer.

Mr. Justice Abbott. I am afraid, by your own question, Whether it was not Chancellor Leach's servant? you have let them in.

Mr. Wetherell. I wish to have it all, my Lord. I would not stop it, on any account.

Mr. Solicitor General. Will you go on?

A. They entered into a great many different arguments; I do not know whether it would be necessary to mention the whole to the Court; my own judgment is not sufficient to dictate whether it would be proper, or not.

Mr. Justice Abbott. They came to a quarrel, at last, I suppose.

Mr. Solicitor General. Was any thing said about the soldiers?

A. Yes.

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Q. What was said about them?

A. They asked me if I knew ——

Mr. Justice Abbott. Which of them; "they" implies several?

A. I am not so positive as to say which put that question; but, to the best of my recollection, that person was Castle who put that question.

Mr. Wetherell. I apprehend any thing that Castle said, cannot be evidence?

Mr. Solicitor General. It was in the presence of Watson?

A. To the best of my recollection, it was Castle put the question, but I am not positive. They asked me whether I knew whether there was a double guard placed at Carlton-house; I answered, No. They said they knew there was a double guard placed at Carlton-house.

Mr. Justice Abbott. Which of them said that?

A. I believe it was the first that put the question to me, Castle; then — this Castle, I believe it to be, — made use of the expression, "A double guard will be of no use to the Prince Regent."

Mr. Wetherell. That was Castle?

A. Yes, it was; that a double guard would be of no use to the Prince Regent, for that the soldiers would not fight for such a government as this; that they had been abroad, and had seen how merit was rewarded in France; and that now they would refuse to fight, as they before had done to support the government of the country.

Mr. Solicitor General. Did it at last end in a quarrel between you and any of them?

A. It did.

Lord Ellenborough. With the young man?

A. Yes.

Cross-examined by Mr. Wetherell.

Q. You are servant to Mr. Leach?

A. I am.

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Q. I believe on the evening you went to this place, Mr. Leach was at Drury-lane Theatre, attending a party of ladies?

A. Yes.

Q. You went to this public house?

A. Yes.

Q. At this public house Mr. Castle asked you, whether there was a double guard at Carlton-house?

A. Yes.

Q. Mr. Leach, I believe, has the private entré at Carlton-house, as being one of His Royal Highness's council?

A. I believe he has.

Q. Did Castle know you were Mr. Leach's servant?

A. I do not think he knew at the time any thing about who I was.

Q. Was it Castle who asked you whether there was a double guard at Carlton-house?

A. Yes, to the best of my recollection it was.

Q. Castle is the tall man?

A. A stout built man.

Q. Was it the stout man that addressed to you the statement about the soldiers, that they would not fight for such a government as this?

A. Yes; I believe it was.

Q. Was it Castle who said that they were not rewarded after fighting abroad?

A. I think it was, but I am not certain.

Q. The other two questions you are certain of?

A. I am not quite certain.

Q. Did you tell them afterwards whose servant you were?

A. No, I did not.

Q. Was this in the public room?

A. In the public room; it is a room made use of as a parlour, but when the landlord of the house is at home,

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he does not allow any body but a few tradesmen, neighbours to enter it.

Q. How many were there at this time?

A. There were four.

Q. How many byestanders?

A. None but the party themselves, and the young man who went in along with me.

Q. How many were the party themselves?

A. They were four, the party themselves, whether more I cannot say.

Q. And you and another young man?

A. Yes.

Q. Were there any soldiers in this room?

A. None.

Q. That you are certain of.

A. There was no one who had regimentals on.

Q. If there were only four who came in with you and your friend, there could not be one who was a soldier without your observing it; was there any person in a red coat, or who had the appearance of a red coat?

A. Not the least.

Q. Were any of the guards of Drury-lane Theatre present when this conversation took place?

A. No.

Q. This discussion about Carlton-house excited a little of your feelings, as you were the servant of a gentleman in the household; it made you a little warm?

A. No, it did not; but when they addressed some discourse to me, they found I did not agree with them, and they said it was like casting pearls before swine to talk to such a fellow as I was, and desired the other to hold his tongue.

Q. We will not go into that; all this was in the private room in which there were no soldiers?

A. Yes.

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Re-examined by Mr. Solicitor General.

Q. This was the parlour?

A. Yes, a place not used for the admission of the public in general.

Q. But it was that evening?

A. Yes; the landlord was not at home, and the wife had no restriction.

Mr. Justice Bayley. Was there any thing said on the subject of a livery?

A. Yes.

Q. What was said?

A. That a livery was a badge of slavery.

Q. Do you recollect which said that?

A. The young man.

Mr. Justice Abbott. Have you seen Castle since?

A. Yes.

Q. Do you know, by looking at him, whether he is one of these four persons, who was there?

A. Yes, he is.

Mr. Solicitor General. Will your Lordship be good enough to ask him to look at the elder Watson?

Lord Ellenborough. Yes, I think you may put that.

Mr. Solicitor General. It was in consequence of the question put by your Lordship as to Castle: will your Lordship have the goodness to put it to the witness?

Mr. Justice Bayley. It will be better you should put it, because then they may cross-examine upon it.

Mr. Solicitor General. If your Lordship pleases, I would not shut them out.—Look at the prisoner Watson?

A. I have seen him.

Q. Do you believe that he was one of the persons there that evening?

A. I think he was; I will not positively swear that he was one of the persons, but I think he was one of them.

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Mr. Justice Bayley. Did you see any of the others?

Mr. Solicitor General. Look at the three men behind?

A. The one in the middle strongly also resembles a third who was there; but I cannot speak so positively to his person as to the elder Mr. Watson.

A Juryman. By what name would you designate the middle one?

Mr. Gurney. The gentleman in the middle is Mr. Thistlewood.

Mr. Wetherell. You never saw them before that time?

A. No.

Q. Nor have seen them since till the present time?

A. I saw the three of them the first day of the Spa-fields meeting; one of them got up at the right hand side of Mr. Hunt, the third, Castle, got on the wheel of the carriage.

Q. You went to Spa-fields meeting?

A. I live that way. I was going home to dinner, it was very little out of my way; and I went out of curiosity, thinking I should see the persons whom I saw at Newton's.

Lord Ellenborough. Did you remember them then?

A. I did three of them.

Mr. Justice Abbott. In what situations did you see them?

A. The younger man was on the right of Mr. Hunt, and the other, whom I now understand to be Mr. Thistlewood, or the person who so strongly resembled him, was on the left, and Castle upon the wheel.

Mr. Justice Abbott. Was this before they went into the house called Merlin's Cave?

A. Yes.

John Dyall sworn.

Examined by Mr. Topping.

Q. Do you know the prisoner at the bar, Watson the elder?

A. I do.

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Q. Do you know a person of the name of Hooper?

A. I believe I have seen him.

Q. Do you know a person of the name of Preston?

A. I do.

Q. Do you know Thistlewood?

A. I have seen him.

Q. With which of those persons have you been longest acquainted?

A. With Mr. Watson and Preston.

Q. How long before the Monday before last were you acquainted with Watson and Preston?

A. Not before the latter end of October or the beginning of November.

Q. Do you know the public-house called the Sun, in Slaughter-street, Spital-fields?

A. I do, very well.

Q. Were you at that public-house in the beginning of November?

A. Yes, I believe I was.

Q. Oh do not believe, are you not sure?

A. I was in that house.

Q. Can you tell me what day of November it was?

A. I think it was on Monday the third.

Q. Whether Monday is the third or the fourth, you do not know, perhaps?

A. It was on the Monday.

Q. Was it on the first Monday in November?

A. I believe it was.

Q. Was there to be a meeting at that public-house in the evening?

A. I understood there was.

Q. On that understanding did you go to the house?

A. I did.

Q. At what time in the evening was it you went there?

A. About seven o'clock, I think.

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Q. Did you find any persons there when you came to that public-house?

A. There were two or three in the room previous to my going?

Q. Were there any of the persons, whose names I have been giving to you now, there before you came?

A. I think not.

Q. Recollect yourself, whether Preston was there?

A. Not when I first went, I think.

Q. How soon after you had gone did any of them come there?

A. It was not more than a quarter of an hour, or half an hour.

Q. Which came in first?

A. Mr. Preston I first saw.

Q. Had you any conversation with Preston?

A. It was not particularly with him; but it was public-house conversation, sitting round the fire; we entered generally into conversation, previous to any business commencing.

Q. Had you any conversation about liquor or any thing of that kind; that is public-house conversation?

A. Certainly; the conversation respecting liquor was this; I had no money myself to pay for any liquor; Mr. Preston says, not calling me by name, for he did not know my name, that was matter of little consequence; a pint or two of beer would be of little consequence.

Q. Had you spoken to him about your having no money?

A. This was publicly, in the company.

Q. You had said publicly, in the company, that you had no money?

A. Yes.

Q. To which Preston said, that a pint or two of beer would be of little consequence?

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A. Yes, that was no object; that he did not like to see a poor man in distress.

Q. You had some beer?

A. Yes, I drank some.

Q. Did you see him take out any money?

A. I did, he had some in his hand.

Q. How soon after that conversation with Preston, did Mr. Watson come in?

A. He came in during the time.

Q. Do you know his son, young Watson?

A. Yes, I have seen him.

Q. Did he come in with him?

A. I do not know whether they came together; they they were both there.

Q. After you had been there some time, did you proceed to business?

A. Yes.

Q. You have told us you understood there was to be a meeting there, which was the reason of your going; did the meeting proceed to business after that?

A. Yes, they did.

Q. What was the business of the meeting?

A. I understood the meeting was intended to petition for a Reform in Parliament.

Q. Were any speeches made by either of the Watson's, or both, to the meeting?

A. Yes, there were.

Q. By both?

A. By the elder Watson.

Q. How many did the meeting at that public house consist of?

A. It was a very small room; it might consist of thirty. I did not exactly count the number.

Q. On this talk about a petition for a Reform in Parliament, do you recollect Preston saying any thing?

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A. Yes, I do.

Q. What did he say?

A. He said petitions had been sent to Parliament so frequent and so often, and so little attended to, that he thought it was of very little use petitioning any more; which I thought was somewhat irregular, that one of the party should come in and propose to petition Parliament for Reform, and another should stand up to contradict the necessity for it.

Q. What further did Preston say?

A. That was the general tenor of the conversation.

Q. What further did he say; as petition was of no use, did he propose any thing else?

A. No, I do not recollect particularly that he did.

Q. He said something further, you say; what was it?

A. All that he said amounted to the same thing, denying, in fact, the utility of it; that it was necessary; but still he thought it would not avail any thing.

Q. Did Mr. Watson produce any thing to the meeting?

A. He produced some papers.

Mr. Justice Bayley. Was that the elder Watson?

A. Yes.

Mr. Topping. Did he give them any name?

A. A title was given it; that it was a memorial.

Q. That was what he called it, a memorial?

A. Yes.

Q. Did he read the memorial to the meeting?

A. He did.

Q. You heard it read?

A. I did.

Q. Was any body appointed to any office that night?

A. I was nominated to the Chair that night.

Q. Was any other person nominated to any office that night, that you recollect?

A. The younger Watson was appointed as secretary.

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I believe, for that evening only; it was not said whether he was to continue in that situation.

Q. Did you attend any other meeting where these said parties attended?

A. I attended at the same house again.

Q. When was that?

A. I think it was on the Thursday evening following.

Q. Did you know where Preston lived at that time?

A. No I did not, at that time.

Q. Did you ever learn from Preston where he lived?

A. He never informed me.

Q. Do you know a place called Greystoke-place?

A. Yes.

Q. Were you ever there?

A. I have been there.

Q. What is the number?

A. I think it was No. 9, if I am not mistaken.

Q. How came you to go to No. 9, Greystoke-place?

A. I will tell you; an advertisement appeared in the Independent Whig with my name to it, convening a meeting in Spa-fields.

Q. For what time?

A. The first meeting, as it is called.

Q. The advertisement appearing in the Independent Whig, for a meeting in Spa-fields on the 15th of November with your name to it, I think you say?

A. Yes, I knew nothing of its appearing with my name, until Preston was under the necessity of making me out.

Q. You knew nothing of your name being put to it?

A. Yes, therefore, Preston was under the necessity of making out where I lived, or where I could be found, for he did not know where I lived; I will tell you why he was under the necessity.

Q. I do not want to know that, only why you went to Greystoke-place?

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A. I will tell you; the Editor of the Independent Whig did not at that time print bills.

Q. We do not want to know any thing about the bills.

Mr. Justice Bayley. He is going to tell you the reason of his going there.

Mr. Topping. Did you see Preston at No. 9, Greystoke-place?

A. Yes, I did.

Q. You have told us you had seen Thistlewood; who introduced you to Thistlewood?

A. There was no one person in particular introduced me to him; he came into the room where I was.

Q. Where was that.

A. At Greystoke-place.

Q. How was he dressed at that time?

A. He was dressed very much like a gentleman.

Q. What was his dress?

A. Boots, I do not know what they call them; Hessian boots, I believe; I did not take any particular notice; I did not think any thing might ensue from that.

Q. You were introduced to Thistlewood at Greystoke-place?

A. Yes, at No. 9.

Q. Do you recollect how soon it was after the meeting of which you have spoken?

A. I cannot say.

Mr. Justice Abbott. Was it after the meeting?

A. It was after the advertisement appeared.

Mr. Topping. Was it before the first meeting.

A. Yes, it was.

Cross-examined by Mr. Wetherell.

Q. Are you the same person that was called the Green-coated Orator at the Brentford election?

A. I am.

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Q. The identical Green-coated Orator?

A. Yes, the very same?

Q. You go by that name?

A. I do not go by that name, but I am the identical man.

Q. You are the man who harangued at Brentford for fourteen days?

A. No; I was the orator in Covent Garden, part of the time.

Q. For how many days running did you speak there?

A. I believe it was part of two days.

Q. I thought it had been part of fourteen?

A. Oh, no.

Q. You are the identical man, called The Green-coated Orator?

A. I really am.

Q. I believe that most of the people at these meetings know you very well?

A. Yes, I believe, as being an honest man and speaking my mind.

Q. And I believe you are good-natured enough to lend your name out for meetings?

A. Oh, never in my life.

Q. When your name was used, did you object to it?

A. It was made use of without my leave and consent, in the first instance.

Q. You consented afterwards?

A. The application was made to me afterwards, and I consented; but it was with great difficulty on my part they could get me to do it: I thought it a constitutional right, and sanctioned it, to petition Parliament; and though they had at first made a fraudulent use of my name, without my leave or consent, I would not disappoint the meeting, conceiving it to be for constitutional purposes.

Q. Had they applied to you before the meeting to use your name?

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A. Yes, for a meeting at Spa-fields; the reason I gave my name was, the printer of the Independent Whig did not print bills, and the printer would not print it without the hand-writing of the Chairman and Secretary.

Q. Notwithstanding this use of your name, you were good-natured enough to say you did not object to it.

A. I did object to it.

Q. Your objections were softened down?

A. I will tell you the reason;—Mr. Preston said, after some altercation between him and me, "Dyall, I want you to sign this, as you were Chairman at the Carlisle." "Why," says I, "I never was at the Carlisle; neither that day nor that night." After some altercation, he says, "Dyall, your name already appears in the Independent Whig." I said, "my name appear in the Independent Whig. I am surprized at that." I conceived it was only as a paragraph, that Mr. Editor had been throwing out some slurs, or something of that kind; he says "your name appears in the Independent Whig, as Chairman at this intended meeting." I said, "You might probably have made choice of some person of more respectability to gloss the meeting over." He said, "O no." I said to Preston, "Have you got the Independent Whig in your pocket?" He says, "No, I have not." He says, "Do you know anybody who takes it in?" I said, I did; and we went to a public-house, and seeing it was for constitutional purposes, I said I would not frustrate the meeting; I knew of no other object, but that of a petition to Parliament, for a Reform in Parliament.

Q. You went to Spa-fields?

A. Yes, I did.

Q. You claimed the Chair, I believe?

A. Oh no, I did not.

Q. Did not you give some hint that you had a little claim to the Chair?

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A. Oh, no.

Q. Who was made the Chairman?

A. A friend of Mr. Hunt's, I believe.

Q. Were you put in nomination for the Chair?

A. I was not, indeed.

Thomas Makins sworn.

Examined by Mr. Gurney.

Q. On Monday the 4th of November did you go to any public-house in Slaughter-street?

A. I did.

Q. Did you see Mr. Watson the elder there?

A. I did.

Q. Mr. Watson the younger?

A. To the best of my knowledge I think it is him, by the description I have seen of the man since.

Q. Did you see Mr. Preston there?

A. I did.

Q. Mr. Thistlewood?

A. I cannot speak to the gentleman, unless I see him.

Q. Look at the gentleman behind the warder there; look at this gentleman with a coloured handkerchief round his neck, and see whether you know him?

A. That is the gentleman.

Q. Did Mr. Watson the elder read any paper there?

A. He did.

Q. What did he call it?

A. A memorial.

Q. Was any proposition made at that meeting to call any other meetings?

A. Yes, there was.

Q. At one house, or at more houses than one?

A. At five different houses.

Q. Was one of those five houses the Carlisle Arms?

A. It was.

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Q. Did you on or about the Thursday following attend a meeting at the Carlisle Arms?

A. Yes, I did.

Q. Did you see Mr. Watson the elder there?

A. Yes, I did.

Q. Did you see Mr. Thistlewood there?

A. Yes, I did.

Q. Who paid the reckoning for the beer that was drank at that meeting?

A. There was somehow or other about eleven shillings paid by Mr. Thistlewood, and the remainder was made up by a person who I have been given to understand was Watson junior.

Q. Is the landlord's name Sheffield?

A. Yes, it is.

Q. Did a person of the name of Smith go with you?

A. Yes, a neighbour of mine.

John Sheffield sworn.

Lord Ellenborough. Mr. Gurney, I suppose all these witnesses are called in confirmation of Castle's evidence of yesterday, as to their going to different places, and being in different societies?

Mr. Gurney. Yes, they are my Lord; I shall examine them very shortly.

Examined by Mr. Gurney.

Q. Do you keep the Carlisle Arms?

A. I did.

Q. On the 7th of November last, was there any meeting held at your house?

A. There was.

Q. Did you see a person of the name of Watson there?

A. I did not know any person except a man of the name of Smith.

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Q. Who paid you any part of the reckoning?

A. A tall man.

Q. What name did he give you?

A. He gave me the name of Thistlewood, Southampton Buildings, upon the note.

Q. Look at that gentleman with the silk handkerchief round the neck; do you know that gentleman at all?

A. No, I do not.

Q. Who wrote the name upon the note?

A. The person that I took the note of.

[*Mr. George Dyer, a clerk in the Bank of England, produced a bank note, and it was shown to the witness.*]

Mr. Gurney (to Sheffield.) Is that the bank note with which you were paid?

A. It was a ten pound note.

Q. Do you believe that to be the note with which you were paid?

A. It was a ten pound note; but I cannot say that this was the identical bank note.

Q. Do you find a name written upon it?

A. It was Thistlewood, or Thistlewise, Southampton-buildings. There is a good part of it torn out.

Mr. Gurney. Here is A. Thistle Southampton-buildings.

Mr. Wetherell. If it was at all relevant, I should object to it; there may be a thousand persons of that name of Thistlewood.

Mr. Gurney. The last witness proved that the reckoning was paid by Thistlewood.

Mr. Justice Bayley. He did not say how he paid it, whether by a note.

Mr. Gurney. How much did he pay you?

A. Six shillings and sixpence.

Q. Six shillings and sixpence, you think?

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A. Yes.

Q. How much was the whole of the reckoning?

A. Six shillings and sixpence.

Cross-examined by Mr. Serjeant Copley.

Q. If any body has said that the reckoning amounted to more than eleven shillings, he has not told truth?

A. No, six and six-pence was the whole of the reckoning.

William Smith sworn.

Examined by Mr. Gurney.

Q. On Monday the 4th of November were you at the Sun in Slaughter-street?

A. I was.

Q. Who was in the Chair at the meeting that night?

A. A person of the name of Dyall acted as Chairman that night.

Q. Did you see the elder Mr. Watson and Mr. Thistlewood there?

A. I saw the elder Mr. Watson, I have not a knowledge of Mr. Thistlewood.

Q. Look at that gentleman with the silk handkerchief round his neck, and say whether you saw him there?

A. I cannot undertake, upon my oath, to say that I know him.

Q. Were you on the Thursday following at the meeting at the Carlisle Arms?

A. I was.

Q. Did you see the gentleman I have pointed out at that meeting?

A. I cannot undertake, upon my oath, to say that I saw him there.

Q. After that, did you see Preston in that part of the town?

A. Yes.

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Q. Did you see any men carrying on their backs placards for a meeting in Spa-fields?

A. I did.

Q. At what place did you see those men?

A. In the Carlisle tap-room.

Q. How many of them did you see?

A. I am not certain whether three or four.

Q. Did you see Preston in company with them?

A. I did.

Q. From whom did those persons receive their directions?

A. From Mr. Preston.

Q. Who paid them?

A. Mr. Preston.

Cross examined by Mr. Serjeant Copley.

Q. You say that Preston paid them; did you see him pay them?

A. I saw him give them some money, I know not what.

Q. Whether it was payment for the placards you know not?

A. I know not.

Q. What was the amount of the money?

A. I cannot say.

Q. For any thing you know, it might be something for them to drink?

A. For aught I know.

Q. This meeting at the Carlisle Arms was for Parliamentary Reform?

A. I always understood it so.

Q. Dyall was in the Chair?

A. Yes, he was.

Q. That was before the first Spa-fields meeting.

A. Yes, it was.

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Re-examined by Mr. Gurney.

Q. Did you see Preston give those men directions?

A. The men that had the placards, I heard him order them to roll the placards up, and to meet him the next morning.

Robert Emery sworn.

Examined by Mr. Gurney.

Q. Do you keep the Union, in Union-street, Shoreditch.

A. Yes.

Q. Just before the first Spa-fields meeting was there any meeting held at your house?

A. There were some people there, but I had no knowledge it was a meeting.

Q. What number were there?

A. There might be thirty, forty, or fifty.

Q. Who paid the reckoning?

A. A person gave me the notes, who said his name was Watson.

Q. Look at the prisoner Watson, and say whether he was the person?

A. I do not know the gentleman again.

Q. Did one person pay the reckoning?

A. Yes.

James Skinner sworn.

Examined by Mr. Gurney.

Q. Are you acquainted with the elder Watson, the prisoner at the bar?

A. I have seen him.

Q. How long ago did you become acquainted with him?

A. I cannot rightly say.

Q. Where was it?

A. I think at the Nag's Head, Carnaby Market.

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Q. When was it?

A. I cannot rightly say.

Q. Used you to meet him there from time to time?

A. No, never, never.

Q. Do you remember taking a walk with him in the month of October?

A. In or near that time.

Q. Was any body present?

A. Him and Castle.

Q. Castle, the witness who has been examined?

A. Yes.

Q. Where did you take a walk to?

A. As nearly as I can recollect we went round by the Regency Park; I recollect going up King-street, Portman-street, and into Hyde Park.

Q. There are barracks in King-street and in Portman-street?

A. I think there are.

Q. When you came to them, did any of the party stop?

A. Yes.

Q. Who did.

A. I think they both stopped.

Q. Had they any conversation there?

A. I do not know, I walked on.

Q. Did they ask you any question?

A. There was conversation about different things, but I cannot recollect what it was; it is a long time past.

Q. Did you learn from him whether they had been there before?

A. There was one question which I thought a very foolish one; they asked me whether I could ride, and I said no; that was the only one that I can recollect.

Q. Whether you could ride on horseback?

A. Yes.

Q. Did you learn whether they had ever been there before?

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A. One of the gentlemen said he had been at the barracks before, but which I do not know.

Mr. Justice Bayley. Did he say it in the hearing of the other?

A. I cannot say.

Q. Who was he speaking that to?

A. I cannot say which it was, we were walking all three together.

Q. Which of them it was said that you do not know?

A. I do not.

Q. Was any thing said about the entrances to the barracks?

A. There was a dispute about it between the two, but what was said I do not know.

Q. About what?

A. About the entrances into the barracks.

Mr. Justice Abbott. Did you leave them in Hyde Park?

A. No, I left them in Piccadilly.

Thomas Osborn sworn.

Examined by Mr. Shepherd.

Q. Do you know a man of the name of Castle?

A. Yes.

Q. A few days before the first Spa-fields meeting did you meet him?

A. Yes.

Q. What conversation had you with him?

A. He asked me whether I was out of employ.

Mr. Wetherell. This is a conversation with Castle, and he is not one of the co-conspirators; what Castle said we have nothing to do with.

Lord Ellenborough. He is giving evidence in confirmation of what Castle has related.

Mr. Shepherd. What did Castle say to you?

Mr. Wetherell. That is Mr. Castle confirming himself.

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Lord Ellenborough. He met him a few days before the first meeting at the Spa-fields.

Mr. Shepherd. What did he direct you to do?

A. He asked me whether I was out of employ, and I said Yes; and he told me he would tell me a job, if I would go, and I said I would. He asked me if I could tell him of five or six more; I told him there were several at the Constitution out of work.

Q. What did you do in consequence of his direction?

A. I went up to the Constitution, and he came up on the Monday night, and treated us with some beer, he and Thistlewood; they told me his name was Thistlewood.

Q. Who told you his name was Thistlewood?

A. Mr. Castle.

Q. Do you know anybody who was with Castle then?

A. Yes; I think that is the gentleman there in the middle *(Thistlewood.)*

Q. Whereabouts is the Constitution public house?

A. Lisson Green, near Mary-le-bone.

Q. Is it near Paddington?

A. Yes.

Q. What sort of men usually come to that public house?

A. Working men; tradesmen.

Q. Do any navigators usually come there?

A. They used to do, very few use there now; there used to be a great many there at the time the cut was going on, but there are none now.

Q. Did any go there at the time you went?

A. Very few then.

Q. Did you have anything to eat and drink while you were at that public house?

A. Not in the Constitution, we did not that night.

Q. At any time afterwards?

A. Yes, afterwards we did.

Q. Where did he direct you to go to afterwards?

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A. The Cock in Grafton-street; we were to meet him there at twelve o'clock the next day.

Q. Did you meet him there?

A. Yes.

Q. Who were you to meet?

A. Mr. Castle told me to come down there, he did not tell me who to meet there.

Q. What took place there?

A. We had a shilling a-piece given to us, and a great bill put on our backs, and a number in our hands to give away.

Q. How many went?

A. Six.

Q. Who were there besides the six people who went with you; were the bills put upon your backs in the tap-room?

A. No, we went in two by two to the parlour.

Q. Who were in that parlour?

A. I cannot say who they were, there were a great many; I recollect Mr. Preston and Mr. Castle, and nobody else.

Q. Nobody else you recollect?

A. Not that I recollect.

Q. Did you go about the streets with those bills?

A. Yes.

Q. You recollect Castle and Preston being in the room, you say?

A. Yes.

Q. There were other people there?

A. Yes, I do not recollect who they were, the room was full.

Q. Did you afterwards take those bills about the streets?

A. Yes.

Cross-examined by Mr. Wetherell.

Q. You were out of employ at this time?

A. Yes.

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Q. Do you recollect the day this took place?

A. I do not, it was about a week before the first Spa-fields meeting.

Q. At that time you had not many navigators come to this house?

A. No, not at that time.

Q. The occasion of their coming, was when they were cutting the canal?

A. Yes.

Q. That was a long while ago?

A. Yes, there were a good many used to hang about there.

Q. At this time very few attended there?

A. Yes.

Q. If any person has stated, there were a good many navigators at this house in November, it is not true?

A. I did not see any there.

Q. You went frequently to the house?

A. Yes, I lodged at the house at the same time.

Q. If any man has said, there were a good many navigators there at the time you were lodging there, he has said what is not true?

A. There might be a good many there, as I did not see.

Q. You lodged there?

A. I was not always in the house.

Q. But, according to your view, there were not many navigators there then?

A. There were not then; I was very seldom there of a night.

Mr. Gurney. We have all the other bill-stickers, but we should be wasting your Lordship's time, if we were to call them all.

Lord Ellenborough. You may announce their names.

Mr. Gurney. If my learned friend wishes I should call any of them, I will do it.

Mr. Wetherell. No, I do not.

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Mr. Thomas Wood sworn.

Examined by Mr. Attorney General.

Q. I believe you are the landlord of a house at No. 9, Greystoke-place, are you not?

A. I am.

Q. Were you so in the month of October and November, in the course of last year?

A. Yes.

Q. Were you applied to about that house, some time before Michaelmas?

A. I was.

Q. Do you recollect how long?

A. I should suppose not quite three weeks before Michaelmas.

Q. Who was it applied to you about the house?

A. Mr. Watson.

Q. Do you mean the prisoner?

A. I mean Dr. Watson [*pointing to the prisoner.*]

Mr. Justice Bayley. Do you allude to new Michaelmas or old?

A. New Michaelmas, about three weeks before the quarter commenced.

Mr. Attorney General. Did he tell you for whom he wanted it?

A. I understood to carry on the profession of a surgeon?

Q. Did you let it to him?

A. I did.

Q. In what way did you let it to him first?

A. It was, as I observed before, before the quarter-day arrived; to the quarter-day he was to pay me by the week till we commenced the Michaelmas quarter.

Q. How was he to continue afterwards?

A. By the quarter; thirty-four pounds per year.

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Q. Did you learn from him for whom he took the house, whether he took it for himself or for any body else?

A. For himself; I do not know to the contrary, I understood it as such.

Q. Were there any alterations proposed to the house?

A. Doctor Watson asked me, if it was agreeable to me to make an inner door to the passage; which I agreed to, provided that it was left in the state that it was when he took it.

Q. You let the house to him?

A. I did.

Q. Did you go there when any persons were there?

A. I often passed the house, but I never went in.

Q. Therefore, who resided in the house you do not know?

A. I do not.

Cross-examined by Mr. Serjeant Copley.

Q. You know Watson is a surgeon?

A. I have heard so.

Q. With respect to this inner door, what was the situation of it?

A. I consider it was a door before you came to the parlour from the street, or rather court.

Q. What is the ground plan; does it consist of more than one room on the ground floor?

A. Yes, two rooms on the ground floor.

Q. One front and one back?

A. One front.

Q. And the other at the back of it?

A. Yes.

Q. Was there a passage going from the street-door on the right or the left side of those two rooms?

A. There was a passage leading from the street through the building to the stairs, which went down.

Q. With those rooms either on the right or the left?

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A. With the rooms to the right.

Q. Where was this new door?

A. A surgeon lived in it before, and he had a door of that description, which made a lobby.

Q. There was an outer door, and he wanted an inner door a little further back, so that persons might come in when they knocked at the door?

A. Yes.

Q. As we see in ordinary surgeons houses?

A. I considered so.

Q. As it was with the preceding occupier, who was a surgeon?

A. I considered so.

Re-examined by Mr. Attorney General.

Q. Was any such alteration as that, made by you?

A. No.

Q. Do you know whether it was made at all?

A. It was not.

Mr. Serjeant Copley. Was any thing said by Doctor Watson, that he wanted a place convenient to the hospital for his son?

A. No, nothing of the sort ever passed between us.

Lord Ellenborough. Did you pass that way and see the appearance of the house?

A. I often passed that way.

Q. Did you see whether there was any appearance of the business of a surgeon being carried on, or any other business in the house?

A. I did not, I often wondered to see it in the state that I did see it.

Mr. Serjeant Copley. Will your Lordship allow me to request your Lordship will ask the precise date of the application?

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Lord Ellenborough. What was the time of this application about the door?

A. When Doctor Watson took the house of me, that was the conversation between him and me; I never saw Doctor Watson afterwards till I saw him in Cold-bath-fields.

Q. You never saw any thing to indicate there was the profession of a surgeon, or any other profession, carried on in that house?

A. No, I did not.

A Juryman. Will your Lordship allow me to inquire whether he ever saw it shut up in passing?

A. No, never.

Q. It was always open?

A. Yes.

Q. Did you ever pass at the hour of ten or eleven in the morning?

A. Perhaps not so early; I live a little way out of town, and never passed it so early as that.

Mary Apted sworn.

Examined by Mr. Solicitor General.

Q. Had you the care of a house in Seymour-place belonging to Mr. Cosser, in the month of November last?

A. Yes.

Q. Is Seymour-place near King-street?

A. It is a distance off.

Q. What distance off?

A. May be a quarter of a mile.

Q. Do you know Portman-street barracks?

A. Yes.

Q. How far is it from Portman-street barracks?

A. It is but a very little distance more.

Q. What do you mean by more?

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A. Portman-street barracks are just against Oxford-street.

Q. Is it about the same distance from the Portman-street barracks, that it is from the King-street barracks?

A. Yes.

Q. Do you recollect in the month of November last, two men coming to ask about the house?

A. I have had so many people asking me about the house——

Q. Do you recollect, in November last, any men coming to ask about the house?

A. I do not remember any particular person coming in November.

Q. You do not recollect any person particularly?

A. No.

Q. Do you recollect referring any persons to Mr. Cosser about the house?

A. Yes.

Q. He is the owner of the house?

A. Yes.

Q. Where does Mr. Cosser live?

A. No. 4, Milbank-street, Westminster.

Cross-examined by Mr. Wetherell.

Q. This house I understand you to state, is about a quarter of a mile from each of these barracks?

A. Yes.

Q. This was about last November?

A. Yes.

Q. I take it there were a good many empty houses at your end of the town, about that time?

A. I cannot say.

Q. Did not you see many bills up, about that time?

A. I cannot say. I did not go out much.

Q. You do not know any thing of the King-street barracks, or the Portman-street barracks?

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A. No.

Q. Were you ever at either of them?

A. No.

Q. You were at the house to take care of it?

A. Yes.

Mr. Solicitor General. Though you have not been at the barracks, you know where they are?

A. Yes.

Mr. Walter Cosser sworn.

Examined by Mr. Topping.

Q. You are a timber merchant, in Milbank-street?

A. Yes.

Q. What number?

A. No. 4.

Q. Are you the owner of a house in Seymour-place?

A. Yes, two houses.

Q. Were you, in November last, the owner of a house, of which the last witness had the care?

A. I do not know her name, and I did not see her.

Q. There was a woman in care of it?

A. Yes.

Q. What distance is the house from the Portman-street barracks?

A. I do not know the situation of the barracks.

Q. Do you remember being waited on by any persons to take that house?

A. I had many applications during the months of October and November.

Q. Do you remember any person coming and giving you a reference to another of the name of Thistlewood?

A. Yes, a young man, who called himself James Watson, came the latter end of October or beginning of November, and wished to take the house that had a shop attached to it. I asked for a reference, as he was a stranger, and he

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referred me to a Mr. Thistlewood, living in Southampton-buildings, Chancery-lane.

Q. Did he state to you what the purport of his reference was to that person?

A. He stated that Mr. Thistlewood was a man of independent property and fortune, and would speak to his, Watson's respectability, as a fit tenant for me.

Q. In consequence of that reference did you go to South ampton-buildings, Chancery-lane?

A. I did.

Q. Who did you enquire for when you went there?

A. I enquired for Mr. Thistlewood.

Q. Upon your making enquiry for a person of the name of Thistlewood, did you see any person who answered to that enquiry?

A. I was shown up stairs; I forget whether it was two or three pair of stairs, and was shown into a back room to a person named Thistlewood; he did not name himself so to me, but I was shown to him as a person of that name.

Lord Ellenborough. That person answered to the name of Thistlewood?

A. I do not recollect whether he did; I enquired for that name of the servant who opened the door.

Q. In consequence of that enquiry, a person came to you?

A. I went up to him.

Mr. Topping. Had you any conversation with him about the person taking that house?

A. I told him of the application of Mr. Watson, and that he had referred me to him, Mr. Thistlewood, to vouch for his character as a proper tenant. He told me (I speak to the best of my recollection) that Mr. Watson was of a respectable family in Lincolnshire; that his father was a farmer there; had a great deal of property, which he farmed to a considerable extent; and that he would be

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answerable for him upon every score, speaking generally. I do not exactly recollect the words.

Q. Had you further conversation with him at that time?

A. I do not recollect any further conversation at that time; there might be further, but I do not recollect it.

Q. Were you waited upon afterwards by the person who first referred you to Mr. Thistlewood?

A. He called, but I do not know whether I saw him or sent a message by my servant, to say I would not let the house to him.

Q. I believe you are near-sighted?

A. Yes, I am very near-sighted.

Q. Can you see whether the person is here?

A. I cannot see without I am very close; the difference of the dress and style is so great, I feel it impossible to speak to him.

Q. That person (Thistlewood) is not dressed as the person you saw answering to the name of Thistlewood was?

A. To the best of my recollection, he was dressed in a blue coat and Wellington trowsers; whether they were blue or grey, I hardly recollect.

Q. From the difference of dress, you cannot swear you recollect him?

A. I cannot positively swear to him.

Mr. Justice Bailey. You have not asked for what purpose the house was to be taken?

Mr. Topping. Was the purpose of the house being taken, mentioned to you?

A. Yes; Watson stated, it was for an oil and seed-shop; I did not exactly understand the meaning, and particularly asked him, if it would be any nuisance in the neighbourhood; and he stated not, that it was for the sale of seeds and oil.

Q. Did the person who applied to you, mention who was to live there, and carry on the business?

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A. I understood the person applying—he applied for himself, as I understood.

Q. Do you recollect, about what day of the week it was you sent the answer, that you should not let it?

A. No, I cannot recollect.

Q. How many days after you had been in Southampton-buildings?

A. I cannot speak positively to that; to the best of my recollection, it was two or three days; but I cannot speak positively to that.

Q. Looking at this person, you cannot take upon yourself to swear positively; what is your belief upon the subject?

A. To the best of my recollection, that is the countenance of the man I saw in Southampton-buildings.

Cross-examined by Mr. Serjeant Copley.

Q. When did this negociation go off?

A. It was within three or four days, certainly, of the time I mentioned, when Watson first applied; within three or four days of my seeing Mr. Thistlewood.

Q. Can you tell us the precise day of the application?

A. No, I cannot.

Q. Will you tell us as near as you can?

A. I cannot speak nearer, than its being the latter end of October, or the beginning of November.

Q. I understood you to say, that this conversation, taking place a good while ago, you cannot be very accurate as to the whole of it?

A. No, I cannot; I can only speak to the best of my recollection.

Q. Something was said, about Mr. Watson being of a respectable family in Lincolnshire?

A. Yes.

Q. And something was said about his father?

A. Yes, farming a considerable estate.

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Q. Can you take upon you to swear, it was the word "father," and not either grandfather or family?

A. Certainly, to the best of my recollection, it was "father."

Q. Have you such a distinct recollection, as to swear positively?

A. No.

Mr. Justice Abbott. Were you informed that his father lived in London?

A. No.

Q. You are quite sure of that?

A. Quite sure.

Lord Ellenborough. Was there any discussion with you about the terms; whether any thing was to be paid for fixtures, or any thing?

A. I stated the terms upon which I would let the house were sixty pounds a year; and he was to pay for the fixtures.

Q. And what were the fixtures to be?

A. I believe seven or eight pounds; not exceeding that.

Q. Did he say any thing about rent in advance?

A. I forget whether I mentioned to him before, or when I sent out word afterwards to him, that I would not let him be a tenant, not liking the reference, unless he would give me the rent in advance.

Q. To the best of your recollection, you sent that message to him?

A. To the best of my recollection, I did.

Margaret Maria Folkes, sworn.

Examined by Mr. Topping.

Q. Did you live servant in Southampton-buildings, Chancery-lane?

A. Yes.

Q. With a Mrs. Corbould; did you not?

A. Yes.

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Q. When did you go to live with Mrs. Corbould?

A. I went in the month of September.

Q. In the last year?

A. Yes.

Q. How long did you live with Mrs. Corbould?

A. I left there, on the 29th of November, through illness.

Q. Did you know a person of the name of Thistlewood?

A. Yes, he was a lodger at Mrs. Corbould's.

Q. Do you know him when you see him?

A. Yes; that is him *(pointing to Thistlewood.)*

Q. How long had you been at Mrs. Corbould's before he came to lodge there?

A. I believe I had been there about a week, to the best of my knowledge.

Q. Who came along with him?

A. I believe it was Mrs. Thistlewood likewise.

Q. Was there any family?

A. There was a young boy, about ten years old.

Q. After he had lodged there some time, do you remember a person of the name of Watson calling on him, a young man?

A. Yes.

Q. Was there a young man who was called by Thistlewood, Watson?

A. Yes.

Q. How long had Thistlewood lodged in the house before this person called on him?

A. That I cannot say.

Q. After some time, did he call frequently?

A. Yes; but his visits were very short.

Q. Did he dine sometimes with Mr. Thistlewood?

A. Yes, sometimes.

Q. Was that acquaintance kept up as long as you continued there?

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A. Yes.

Q. Were his visits more frequent during the latter part of the time?

A. Yes, to the best of my knowlege they were.

Q. That was the place where Mr. Thistlewood slept?

A. Yes.

Q. Was there another person of the name of Watson used to call upon him?

A. Yes, the elder person.

Q. Was this the person?

A. Yes, that is the person *(pointing to Watson.)*

Q. You remember being ill?

Q. Did that person prescribe for you at all?

A. Yes, he did.

Q. That was during the time you were there?

A. Yes, he prescribed for me the day before I went away.

Q. How used Mr. Thistlewood to dress?

A. He used to dress in a light blue coat and coloured trowsers.

Q. That was sometimes his dress?

A. Yes.

Q. What was his dress at other times?

A. Sometimes he used to wear a dark great coat?

Q. Over the blue?

A. Yes, sometimes.

Q. Do you recollect his having any other coat but the blue coat?

A. No.

Q. You left, I believe, at the end of November, did you not?

A. I left upon the 29th of November.

Q. Do you observe the hair of this Mr. Thistlewood now?

A. Yes.

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Q. Do you recollect the state of his hair, when at your house?

A. It was much of the same colour, or it might be lig' ter.

Q. It appears to you much of the same colour now, that it was then?

A. Yes.

Eleanor Corbould, sworn.

Examined by Mr. Richardson.

Q. You have a house in Southampton-buildings, have you not?

A. Yes.

Q. Did Mr. Thistlewood and his wife lodge at your house for some time?

A. Yes.

Q. What time did they come there?

A. About the middle of September.

Q. Is that the gentleman who sits there, with a coloured handkerchief about his neck?

A. Yes.

Q. On what day did he leave your house?

A. I believe it was on the 2d of December.

Q. Was that the day of the riot?

A. Yes.

Q. Do you remember whether, the day before that, he had any company to dine with him?

A. Yes, I believe he had.

Q. Do you know their names?

A. Yes, two gentlemen of the name of Evans.

Q. The father and the son.

A. Yes.

Q. On the 2d day of December, the day of the riots; do you remember what time he went out in the morning?

A. No, I do not.

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Q. Did he leave home in the morning?

A. Yes.

Q. Did he call again in the course of the day?

A. I did not see Mr. Thistlewood, but I understood he was there again in the evening.

Q. Did he sleep there that night?

A. No.

Q. Have you seen him any more since that time?

A. No.

Q. Had he before that time given you any notice of any intention to go away from the house on that day?

A. No, not any.

Q. Did Mrs. Thistlewood and the child remain there the night of the Monday?

A. Yes.

Q. He went away that evening, leaving his wife and child there?

A. Yes.

Q. When did they leave your house?

A. On the following evening.

Barbara Smeed sworn.

Examined by Mr. Richardson.

Q. I believe you are the wife of Thomas Smeed; are you not?

A. Yes.

Q. Does he keep the Brazen Head public-house, in Upper Lisson-street, near Paddington?

A. Yes.

Q. Is your house frequented by navigators, or persons working on the canal?

A. A great many.

Q. The Prince Regent's Canal and the Paddington Canal?

A. Yes.

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Q. Do you recollect at any time any gentlemen coming there and treating the navigators?

A. I remember there were some men came in.

Mr. Wetherell. It is too generally put, unless it is connected with any gentlemen afterwards.

Mr. Richardson. Do you remember any gentlemen treating the navigators with beer at your house, in November last?

A. I cannot say when; but I remember some men coming in and treating some men with beer.

Q. What men?

A. I cannot say whom; different people.

Q. Were there any bills brought about any meeting?

A. There were some bills brought in and put on the table.

Q. Do you know what bills they were?

A. No, I did not look at them that I know of.

Q. Were they about the Spa-fields meeting?

A. I cannot say.

Q. Did you see what they were about at the time they were brought to the house?

A. I never noticed them.

Q. Did you take any one of them?

A. There was a bill put up, but it was taken down.

Q. Who took it down?

A. One of our officers.

Q. What officer—a parish officer?

A. One of the parish officers.

Q. Can you state to us or not, whether that bill was about the Spa-fields meeting?

A. I cannot say what it was about; it was taken down.

Q. Was that bill put up by the same persons who treated the men.

A. It was.

Mr. Justice Abbott. How long was it before it was taken down?

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A. It was taken down that day, or the next morning; I cannot say which it was.

Isaac Bentley sworn.

Examined by Mr. Gurney.

Q. What are you?

A. A smith.

Q. In the month of November last where was your workshop?

A. No. 26, Hart-street, Covent-garden.

Q. What part of the house did you work in?

A. The cellar—the kitchen.

Q. That lies underground?

A. Yes.

Q. Do you know a man of the name of Castle?

A. Yes, I do.

Q. Did he make any application to you respecting the making of any thing in iron?

A. Yes, he did.

Q. What sort of things?

A. I did not know him before that.

Q. But you knew him then?

A. He came and wanted to make a pattern.

Q. How, for him to make a pattern, where?

A. At my place.

Q. At your forge?

A. Yes.

Q. What answer did you make to that application?

A. I made it myself; but I did not finish it.

Q. What became of it then?

A. He took and filed it up himself.

Q. Did he take it from you, or leave it with you?

A. He took it away; I never saw it any more.

Q. How soon did you see him again?

A. I cannot exactly tell, it might be an hour.

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Q. What more did he say to you?

A. He told me to get on with them then.

Q. How many?

A. About fifty, I think; but I cannot exactly tell.

Q. Did he say what they were wanted for?

A. He told me they were to put upon a fence.

Q. A fence for what?

A. A fence for a rabbit-warren, or a park, or something of that sort.

Q. How many did you make for him in fact?

A. Two hundred and fifty.

Q. Did he give you the first order for the whole, or how?

A. Before I had made the fifty he told me to get on with more; indeed before I had made any he told me to get on with more.

Q. Did he give you any money in advance?

A. Yes, he did.

Q. How much?

A. Ten shillings.

Q. By what time in November were they made?

A. Against the 9th.

Q. Against Lord Mayor's day?

A. Yes.

Q. Who came for them on Lord Mayor's day?

A. Castle and another man.

Q. What had they to put them in?

A. Two nail bags.

Q. Did they both go to your cellar?

A. They both came.

Q. Did you deliver them to them?

A. They put them into the bags, and took them away; I stood by.

Q. Before they took them away were you paid for them?

A. Oh yes.

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Q. At what house did you receive your money?

A. At Mr. Winkfield's.

Q. Where is that?

A. The corner of Leg-alley, in Long-acre.

Q. Did you give a bill and receipt?

A. I gave no receipt, nor yet a bill; I gave a bill what they came to, but they paid me for them, and never required any receipt; I do not know whether they had the bill or not.

Q. But you made a bill out of what they came to?

A. I did.

Q. Were they both together when you received the money at Winkfield's?

A. Yes.

Q. Then, after you had received your money, did you go together to your cellar?

A. Yes.

Q. Did you hear the name of the other person mentioned?

A. No, nothing but Sir.

Q. Look at these [*showing some pike heads to the witness*] were those like the pike heads you made?

A. Yes, those are the same.

Q. You know your own work?

A. Yes, I do.

Q. Those are the same?

A. Yes.

Q. The remainder are underneath you in a box, you may look at them.

Mr. Justice Bayley. That is the bag Vickery produced?

Mr. Gurney. Yes it is, my Lord. Those are all the same; are they?

A. Yes, they are; I have seen them before.

Cross-examined by Mr. Wetherell.

Q. I think you say they did not require a receipt of you?

A. No, they did not.

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Q. What was the money they paid you?

A. Whether under or over five pounds I cannot say, but they did not require a receipt.

Lord Ellenborough. There was some paper taken away, I think you say?

Mr. Wetherell. I understood you to say you believe they did not take a bill?

A. I cannot say as to that.

Q. You are certain you did not give a receipt?

A. Yes.

Q. These are common spikes?

A. I call them spikes.

Q. Did you ever manufacture a thing called a pike?

A. I cannot say that I have.

Q. Have you seen such pikes as are put on the top of a a spear by soldiers?

A. I never made any of them.

Q. These are for a fence; one end to be stuck in, and the other to stand out.

A. Yes.

Q. Castle ordered them?

A. Yes, he did.

Q. When he ordered the first parcel, was he alone?

A. No, John Harrison was with him.

Q. Did Castle tell you what they were for?

A. He told me they were for a rabbit warren, or a fence, or something of that sort.

Q. I understood you to say, that Castle filed one himself?

A. Yes.

Q. You made a pattern one yourself, and then he made some alterations?

A. He filed it up, and made it sharp at the point.

Q. He came after the first pattern spike was made, and ordered fifty; did he?

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A. About fifty; fifty were ordered.

Q. Then he came a second time, and ordered you to make two hundred and fifty?

A. From that to five hundred; from that as many as I could get made.

Q. In point of fact, two hundred and fifty was the whole of what you got made?

A. That was all.

Q. Those never had been filed up?

A. They had not.

Q. The one Castle filed up was made sharper than those?

A. Quite sharp.

Q. Were the square angles filed off?

A. No, only made with a sharper point.

Q. Was the one he filed up materially sharper than those?

A. A great deal sharper.

Q. He did that in your shop?

A. He did.

Q. Did he apply to you afterwards to file those two hundred and fifty in the same manner as those he took away?

A. No, he did not.

Q. Is Mr. Castle much of a workman, that he came to understand this?

A. I do not know; he seemed to handle the file very well; I never saw him handle a hammer, therefore I cannot say.

Q. Where did Castle introduce himself to you?

A. I never saw the man in my life before. I never knew the man till he came to the shop.

Re-examined by Mr. Gurney.

Q. Did you know Harrison before?

A. Yes.

Q. If those lying before you were filed up, they might

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be made as sharp as the pattern one which you made, and he filed.

A. They could be made as sharp.

Mr. Justice Abbott. Had you ever before this time made anything of that sort for fences as sharp as those?

A. Never.

Mr. Wetherell. Will your Lordship ask him whether he had ever made any thing of this kind for fences before?

Mr. Justice Abbott. Had you ever made any thing of this kind for fences before?

A. I never had; I never had an order for such before.

William Winkfield, sworn.

Examined by Mr. Gurney.

Q. Do you keep a public house at the corner of Leg-alley, Long-acre?

A. Yes.

Q. Do you know that man who stands near you? *(Bentley.)*

A. Yes.

Q. Do you remember seeing him in company with two other persons at your house last November?

A. Yes, the beginning of November.

Q. Was Castle one of those two?

A. I cannot say.

Q. But there were two other persons?

A. There were two men; one a shortish gentleman, and the other tall.

Q. Did they drink together at your house?

A. Yes, they had a pint of porter.

Q. You took the reckoning, and gave them the change upon it?

A. Yes; I changed Bentley a pound note.

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[redacted]

well pause here.

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COURT OF KING'S BENCH.

Friday, 13th June 1817.

[*James Watson was set to the bar, and Arthur Thistlewood, John Hooper, and Thomas Preston, in the seats immediately behind.*]

Mr. William Tull sworn.

Examined by Mr. Attorney General.

Q. HAVE you any office in the Tower?

A. Yes.

Q. What office have you there?

A. I am principal clerk of the Works in the Ordnance department.

Q. How long have you resided in the Tower?

A. About twelve years.

Q. Be so good as to look at that paper—[*one of the papers found on the prisoner*]—Do you know the Tower, and all the parts of it?

A. Yes, I do.

Q. What does that paper appear to you to be a plan of?

A. It is a rough-hand sketch of some part of the internal part of the Tower; it is not by any scale whatever.

Cross-examined by Mr. Wetherell.

Q. You are a very respectable officer under Government; do you happen to be any thing of an antiquary?

A. No, I am not.

Q. Do you mean to say, that any person might not make such a sketch as that, without any difficulty?

A. There is not a great deal of difficulty in this?

Q. Did you ever see a map of the interior and exterior of the Tower, which you may buy for a shilling?

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Thomas Cox, sworn.

Examined by Mr. Gurney.

Q. In whose employment were you in November?

A. Messrs. Parkes and Company, in Broad-street, Bloomsbury.

Q. Are they ironmongers?

A. Yes, they are.

Q. Do you remember, one morning in November, any person coming and enquiring for nail-bags?

A. Yes, one person came.

Q. How many nail-bags did he ask for?

A. Two.

Q. Did you sell him two?

A. Yes, I did.

Q. Was it an old or a young man?

A. I did not take notice of him.

Q. Tall or short?

A. About five feet nine or ten inches.

Q. As much as that, do you think?

A. Yes.

Q. Are old nail-bags commonly enquired after?

A. Yes, always; we sell them to any person.

Q. And you sold two to this person?

A. Yes; I sent them out of the warehouse into the shop; and he paid for them, and took them away.

Cross-examined by Mr. Serjeant Copley.

Q. You deal commonly in these articles?

A. Yes, we do.

Q. And you sold them in the usual way?

A. Yes.

Lord Ellenborough. I think we may as well pause here.

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A. No, I am not.

Q. Do you mean to say, that any person might not make such a sketch as that, without any difficulty?

A. There is not a great deal of difficulty in this?

Q. Did you ever see a map of the interior and exterior of the Tower, which you may buy for a shilling?

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A. Not to my knowledge.

Q. Did you ever see the plan published by the Antiquarian Society?

A. I have a regular plan; who it is by, I do not know.

Q. You never saw the plan published by the Antiquarian Society?

A. No.

Q. Have you any curiosity to see such a thing?

A. I have a plan myself.

Q. You do not know there is a print, framed upon a scale, shewing the interior and exterior, with its bastions and walls, and the ordnance department, and every part, which may be bought at a shilling, at any print-shop in London?

A. I never saw it; I have one in my pocket.

Q. Be so good as to let me see it.

[*The witness produced it.*]

Q. This is a drawing of the Tower?

Q. Yes.

Q. Cast your eye over this eighteen-penny sketch of the Tower [*handing a plan to the witness.*]

Mr. Justice Abbott. What is the object of your examination?

Mr. Wetherell. My object is this: this plan is put in to shew, I presume, some interior inspection of the Tower; I mean to shew, that a military scale of it is purchasable at any shop in London.

Lord Ellenborough. I think there might be a public mischief in examining an officer of the Tower, as to the accuracy of such a plan.

Mr. Wetherell. I would say, distinctly, if the Tower of London were accessible, that it was the duty of Government not to permit that plan to be printed; but if it is insinuated they have been going about to get a plan of the Tower ——

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Lord Ellenborough. They shew, by this plan, that the persons in whose custody this was found, were contemplating the interior of the Tower, with a view to obtaining access to it; and nothing further is meant.

Mr. Justice Bayley. You may prove that prints, containing a plan of the Tower, may be purchased, but you cannot ask whether they are accurate.

Lord Ellenborough. It is facilitating the means of invading the Tower, to which no good subject would lend himself.

Mr. Wetherell. No considerations would induce me to press the subject when I find that to be your Lordship's opinion; I merely meant to meet the thing.

Mr. Attorney General. I called this witness to prove that drawing was a plan of the Tower.

Mr. Wetherell. Let me see it. [*It was handed to Mr. Wetherell.*]

Mr. William Thompson sworn.

Examined by Mr. Topping.

Q. Where do you live?

A. At 101, Fetter-lane.

Q. Do you live near Greystoke-place?

A. The corner of it.

Q. Do you know N° 9?

A. Yes.

Q. Are you the ground landlord of that house?

A. My father is.

Q. You know the house, N° 9?

A. Very well.

Q. What does it consist of?

A. Two rooms on a floor.

Q. A front room and a back room?

A. Yes.

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Q. Have the back rooms any windows in them?

A. Yes, but it is a borrowed light.

Q. Have they any windows externally?

A. No.

Q. How are the back rooms lighted?

A. From a sky-light on the landing-place.

Mr. Justice Abbott. Is that the case with all of them, or with the upper one only?

Mr. Topping. The back rooms, I take for granted, open upon the staircase?

A. No, into the front room.

Q. And they are lighted by a light from the top?

A. Yes.

Q. Your father, you say, is the ground landlord?

A. Yes.

Q. Mr. Wood owns the house under your father, then?

A. Yes.

Q. Do you remember the house being to be let?

A. Yes.

Q. Was there a reference to you, as the person who was to let it for your father?

A. No, we only held the key.

Q. Do you know Mr. Watson the elder?

A. No, I cannot say I do.

Q. Do you see him here?

A. I cannot say I know Mr. Watson.

Q. Was any application made to you, in the month of September, for the taking of that house?

A. There were a great many applications for it.

Q. In the month of September?

A. I cannot exactly say in what month.

Q. However, you do not know the prisoner Watson?

A. No.

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Mary Kinsley sworn.

Examined by Mr. Gurney.

Q. In the month of November last, did you live at N° 1, Dean-street, Fetter-lane?

A. I did.

Q. Did Mr. Watson take any lodging at your house?

A. He did.

Q. Mr. Watson the elder?

A. Mr. Watson the elder.

Q. This gentleman [*Watson*]?

A. Yes.

Q. How long before the second Spa-fields meeting was it that he took that lodging?

A. He took it on the Wednesday before the first meeting.

Q. How long was he there?

A. He was there from Wednesday afternoon till Monday night.

Q. Then he was there but five days?

A. I did not see him after Monday night.

Q. Was that Monday night, the Monday night of the Spa-fields meeting?

Mr. Justice Abbott. He came on the Wednesday, did he?

A. Yes.

Mr. Gurney. Was it the day of the riots he left?

A. The day of the riots.

Q. I mean the riots when Mr. Platt was shot?

A. Yes.

Q. It was the Wednesday before that day he came?

A. Yes, it was.

Q. Did he take a lodging for himself only, or for himself and any other person?

A. For himself and his son.

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Q. What was the lodging which he took?

A. A parlour.

Q. Any other room?

A. No.

Q. Was there a bed in that parlour?

A. There was.

Q. Then it was parlour and sleeping-room both?

A. It was.

Q. Did they both sleep there from the Wednesday till the Monday?

A. For aught as I know, the bed was to be made every day.

Q. At what period of the day was the bed usually made?

A. Generally towards the evening.

Q. Were there one key or two keys to the parlour-door?

A. Two keys.

Q. Had they both or one of them?

A. They had both keys.

Q. Was your street-door kept locked, or upon the latch?

A. Upon the latch.

Q. Then could they get in and out as they pleased, without interfering with you, or calling you?

A. They could.

Q. On the Sunday, the day before Mr. Watson went away, were there any persons there to dinner?

A. There were several in the room; I did not see them sit down to dinner.

Q. Were there several in the room at the time, or after the time you had carried in dinner?

A. Yes, there were several in the room at the time I took in dinner?

Q. Had you seen any of the persons who were there at that time in the course of the week?

A. I think I had.

Q. Had you seen them there?

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A. Yes, in the parlour.

Q. Do you know Mr. Hooper?

A. I think I do.

Q. Look at that gentleman next the warder, in the second row, and see whether he is the person you mean.

A. I really could not swear.

Q. What do you believe?

A. I believe there was somebody, something like his face.

Q. Do you mean on that day; the Sunday at dinner?

A. Yes.

Q. And in the course of the week preceding?

A. Yes.

Q. Do you remember seeing Mr. Preston there?

A. Yes.

Q. Did you see Mr. Thistlewood there, or do you remember him?

A. I do.

Q. I mean that gentleman now standing up?

A. He is altered in his dress: I think he is the same gentleman.

Q. How was he dressed when you used to see him there?

A. In light grey pantaloons, and a dark blue or a dark green coat; I really cannot recollect which.

Q. And a white handkerchief, or a coloured silk handkerchief?

A. A white handkerchief.

Q. I mean by handkerchief, neckcloth?

A. Yes.

Q. As you say the two Watsons had been there from the Wednesday till that Sunday, the day when these persons came; did you see what was upon the table when they were together?

A. I did not notice particularly.

Q. Did you see any pens and ink and paper?

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A. I nave seen pens and ink and paper lie on the table; I did not take any notice.

Q. Did they go in and out much or little?

A. Being away from that part of the house, they might go in and out often, and I not see them.

Q. On the Monday morning, did the two Mr. Watsons go out?

A. I did not see them go out?

Q. Did you find they were gone out?

A. Yes, I found the windows were closed.

Q. How early in the morning did you find they were gone out?

A. I think as early as nine o'clock.

Q. And the windows you say were closed?

A. Yes.

Q. At what time did either of them return; about what time?

A. I had not seen any of them all day till night, about candle-light.

Q. Which came then?

A. The elder Watson.

Q. What did he say to you, when he came?

A. He asked, if we had seen his son.

Q. Had you seen his son?

A. No.

Q. You told him so, then?

A. Yes.

Q. What else did he ask you for?

A. He said he had got the key of the parlour, his son had, and he could not get in.

Q. Did he say one key, or more than one?

A. He said the keys, I think; and my husband gave Mr. Watson another key.

Q. And that admitted him?

A. I fancy so; I did not see Mr. Watson after that.

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Q. Did you ever see Mr. Watson after that evening?

A. Never; not till this present time.

Q. Did he tell you, when you let him in at that time, of any intention he had of leaving your lodging that night?

A. He said nothing at all about that.

Q. Were the things which were left in that room fetched away shortly afterwards by any person?

A. There were some great coats in the room that night, and the next day I did not see them.

Q. Whatever things were left there after that, who fetched them away?

A. I did not see any body take them away.

Q. Were there any things left in the room besides the great coats?

A. A small dressing-case and an inkstand.

Q. Some little things?

A. Yes.

Q. By whom afterwards were they fetched away?

A. They were kept in our possession, and afterwards a young woman was going into the room; she was opening the door with a key, and my husband took the key from her.

Q. Did Preston come there afterwards?

A. The young woman went and brought her father.

Q. She came on the Tuesday, your husband took the key from her, and she went and fetched her father?

A. Yes.

Q. Was that one of the keys which you had given the Mr. Watsons?

A. Yes, I fancy it was; we did not take any particular notice of it.

Q. Did you find it open the door?

A. Yes.

Q. Did you ever see young Mr. Watson after that day, the Monday of the riots?

A. Never.

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Mr. Justice Abbott. Then you had three keys that would open this parlour-door?

A. Yes.

Q. So that you could get in at any time, while they were out?

A. I never went in to make the bed with my key, but on that Monday night.

Q. While they were out you did not go into the room?

A. On the Monday I did.

Q. But not before?

A. No.

Q. You never went in, in their absence, with your key?

A. No; I went in afterwards with the key; on the Monday evening they had been away all day.

Q. They did not come home till candle-light, and you went in before they came home?

A. I did.

John Gilling sworn.

Examined by Mr. Richardson.

Q. What regiment do you belong to?

A. The third foot guards.

Q. Were you quartered for some time at a house in New Norfolk-street, called the City of Norwich Arms?

A. Yes.

Q. Near Park-lane, is it not?

A. Yes.

Q. Did you become acquainted there with Castle?

A. Yes.

Q. Did he at any time, or not, treat you or your companions with beer?

A. Yes.

Q. Who do you mean by your companions?

A. There were four young men who lodged in the house with me, servants out of place.

Q. How often was that done?

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A. I believe he was there three times, as far as I can recollect.

Q. Did he treat you and others each of those times?

A. He treated me every time I was there, when I was off duty. I cannot say exactly to treating the others.

Q. Was any person with him at any of those times?

A. Once a gentleman was with him.

Q. How was that gentleman dressed?

A. He had got a great coat on, he was dressed very genteelly; I did not pay particular attention to his dress.

Q. What sort of a great coat?

A. I recollect one of the servants saying, it was a French great coat; afterwards I did not take particular notice.

Q. Was he a tall man, or a short man?

A. I did not take particular notice of that.

Q. Was Castle there at that time?

A. Yes.

Q. What was the conversation about?

A. I do not recollect how it began.

Q. Do you remember any thing being said?

A. Castle told me that the gentleman had been a lieutenant.

Mr. Justice Bayley. That was in the gentleman's presence was it?

A. Yes; I do not know that the gentleman heard him.

Mr. Richardson. Was it spoken loud enough for him to hear it or not?

A. I believe it was.

Q. Was he in the same room near to you at the time?

A. Yes.

Q. In company together?

A. Yes, we were in company together.

Q. What else?

A. He told me that he had lately come from France; I had lately come from France myself.

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Q. Did the gentleman say he had lately come from France?

A. Yes.

Q. Did the gentleman make any observation to you with respect to your situation in the army?

A. Yes, he was talking about Paris and different parts of France that he had been in.

Q. Did he make any observation upon your dress or your situation?

A. I do not know how the conversation began. I was just reduced from being serjeant; I had got a serjeant's jacket on, and the lace was off it; I had had it turned by a tailor; and the conversation turned upon how I came to be reduced; I said how I came to be reduced.

Q. Tell us the conversation?

A. To the best of my recollection, he said it was a pity they should reduce men for such trifles; something to that effect. I do not recollect the whole of the conversation.

Q. Did he make any observation about France?

A. He was talking about the French army, and that.

Q. What did he say about that?

A. We were talking a great deal about it; I was talking about it as much as he was.

Q. What did he say about the French army?

A. He said promotion went on faster in the French army than in the British, or it went on faster in the French army.

Q. Was that said in the same conversation, in which he asked you, why you had been reduced, from being a serjeant?

A. It was in the same evening.

Q. How long were you in company with them?

A. I dare say I might be an hour.

Q. Did either of them pay for your beer that evening?

A. Yes, I drank with them.

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Q. Did you go away with them, or not?

A. I did not go out of the door with them; but when I went out of the door, they were coming down round the corner, and I walked down the street with them.

Q. Was any thing more said to you, or not?

A. I do not recollect the whole of the conversation in the house.

Q. But in the street, or anywhere?

A. Oh, yes; I went down across the square towards Bond-street, and there was a good deal of chat going on down the street; the gentleman said very little to me; Castle was talking to me.

Q. Was any thing said about a letter?

A. Yes; Castle wanted to know where I should be the next day

Mr. Wetherell. Was this in the hearing of the other gentleman?

A. Yes; we were all three together.

Mr. Richardson. He wished to know where you would be the following day?

A. Yes; he said he would come and give me something to drink, and I told him I thought I should be on the King's guard.

Lord Ellenborough. We must know what that day is.

Mr. Richardson. Do you remember what day this was?

A. No.

Q. How long was it before the riots?

A. A very little time before the riots; because I recollect Castle was talking about the Spa-fields meeting, in the house to the young men and me that were drinking with him.

Q. Was he talking about a Spa-fields meeting that was to be, or that had been?

A. It was one that was to be.

Q. From that circumstance, do you remember wh-

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it was or was not a short time before the Spa-fields meeting?

A. A short time before.

Q. You said you thought you would be the next day on the King's guard?

A. Yes; or else he said he would come and give me something to drink; when we got down by Bond-street, I think it was Berkeley-street we were in, I told them, if either of the gentlemen would give me his address, if I was not on the King's guard I would send them word where I was.

Q. Did they give you either of them his address?

A. No, they spoke together.

Q. Did they speak together in such a way that you could hear what they said?

A. No, they rather went on one side.

Q. Then what did they tell you?

A. They told me they would come to the King's guard, and if he could not find me there, he would inquire and find me out.

Q. Which of them was it said that?

A. It was Castle.

Cross-examined by Mr. Wetherell.

Q. Is that one of the Waterloo medals you have at your breast there?

A. Yes.

Q. You were in the battle of Waterloo?

A. Yes.

Q. Were you at that time a serjeant?

A. Yes.

Q. I believe since that time, for reasons which I do not here inquire about, you were degraded from the rank of serjeant to that of a common soldier?

A. I was not degraded; I resigned my situation.

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Q. You afterwards became a private soldier?

A. Yes.

Q. When this conversation took place between you and Castle, it was at the Norfolk Arms public-house?

A. The City of Norwich.

Q. What distance is that from the guard-room or the barracks?

A. Our battalion lay at Knightsbridge barracks.

Q. How far is this place from the Knightsbridge barracks?

A. Half a mile.

Q. Had you your regimentals on when you had this conversation?

A. No.

Q. Is it not common for soldiers to go to public-houses in the evening, without their regimentals?

A. Yes.

Q. Are there not many soldiers, who when off guard work, and wear the clothes of labourers?

A. Yes; in the evening we are not allowed to go out in our full uniform.

Q. Is it a regimental order that soldiers shall not go out in the evening in their full uniform?

A. It has been at different times; but the orders vary.

Q. Then if soldiers go to public-houses in the evening, the order is, that they shall not go in their uniform?

Mr. Justice Abbott. Not in their full uniform.

Mr. Wetherell. Had you any part of your uniform as a soldier on?

A. I had my grey pantaloons; my full uniform is white breeches and black gaiters, I had not them on.

Q. What coat had you?

A. A scarlet jacket.

Q. Is it not common for them to dress themselves like common individuals?

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A. They may do it if they please.

Q. At this conversation at the Norfolk Arms, did Castle begin the conversation with you, or did you begin it with him.

A. He began it with me.

Q. You say, that at this last time a gentleman came with him; had you known Castle before this gentleman came with him.

A. Yes; I had been, I think, twice in his company.

Q. Having been twice in his company, you had, I presume, on those occasions conversation with him.

A. He used to give me drink.

Q. You had been twice in Castle's company before you ever saw the other gentleman who has been alluded to.

A. Yes. Castle made me believe he knew my father, and brother and sister; that he was a townsman of mine.

Q. What town did he say he came from?

A. A town down in Yorkshire.

Q. What town is that?

A. Knaresborough.

Q. What did he say about your family?

A. He asked me to drink, and there were some young men sitting with me, and I drank with him; it is not common for soldiers to refuse any thing. We got into conversation together, and he asked my name; and he said he knew my father, and my brother and sister, and all my family very well.

Q. Was this the first time you saw him?

A. The first time that I saw him, to my knowledge.

Q. Let us hear what Castle said to you the first time that you met him, when this gentleman was not there?

A. I do not know. There was a good deal of chat going on amongst me and the young men.

Q. What sort of subject did Mr. Castle go upon, when he was alone with you the first time, and the other young man?

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A. I do not recollect; my attention was paid more to the balls than his conversation; we were playing at balls.

Q. You saw him a second time alone?

A. Yes.

Q. When you met him the third time, did he begin the conversation with you, or you with him?

A. I do not know; he came into the house, and we got into conversation; I cannot recollect; I never expected any thing of this kind would be brought forward.

Q. Did Castle know that you had become a common soldier from being a serjeant, or did you tell him that?

A. He knew when I told him; he did not know before.

Q. Did you tell him this when this gentleman was present, or at any former time?

A. I told him it before.

Q. When this other gentleman was present, there was a conversation about promotion in the French army?

A. I do not know that it was particularly about that, but it happened to be spoken of.

Q. Who was it made the observation, that it was a pity to degrade for a trifle?

A. The gentleman.

Q. Then the subject of conversation was your having become a common soldier from being a serjeant?

A. Yes, that began it; and then it began about France, about Paris.

Q. Then you walked down the street, did you; and you saw nothing of these persons again after that?

A. I never saw the gentleman after. When I came off guard a day or two afterwards, my landlord told me——

Q. You never saw the gentleman after?

A. No.

Q. Did you see Castle after?

A. I forget whether I saw him after or not; I think I did see him once after.

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Q. When was that?

A. He came down to the theatre when I was on duty; he enquired what duty I was on, and came down to me there. I forget whether that was after or before?

Re-examined by Mr. Richardson.

Q. At this conversation when the gentleman was present, though you had not full regimentals, you had enough to shew you were a soldier?

A. Yes, I had a red uniform jacket, with gilt buttons and a thistle on it, as these have.

Q. Why was it you told him you had been degraded?

A. Castle brought forward the subject, and then I told him.

Q. What was it about; was it about a woman?

A. Yes.

James Brown sworn.

Examined by Mr. Shepherd.

Q. You are a soldier in the Coldstream regiment?

A. I am.

Q. About the time of the riots in the Minories, were you stationed in the Tower?

A. I was not.

Q. Do you know the Stone Kitchen public house, in the Tower?

A. Yes.

Q. A short time before the riots in the Minories, were you in that public house?

A. I was.

Q. Do you know the person of Hooper?

A. I will not swear to him; I have not personal knowledge enough of him.

Q. Do you think you ever saw him before?

A. Yes, I had seen him before.

Lord Ellenborough. The Stone Kitchen is the name of the public house?

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Mr. Shepherd. Yes, my Lord.—Two or three days before the riots in the Minories, do you remember seeing him?

A. I cannot swear I saw him there two or three days before; I have seen him once since he has been confined.

Q. Did you see any body like him?

A. Yes, from three to five days before.

Q. Was he in the room when you went in?

A. I went to the bar to call for a glass of spirits, and a man came down stairs, and asked me if I would go up and take something to drink; I told him I did not want any thing, but I went up stairs.

Q. Did you stay there any time?

A. Ten minutes or a quarter of an hour, but that was the outside.

Q. Did that man shew you any thing?

A. I saw a man with a bunch of ribbons.

Q. Where did he take the ribbons from?

A. From out of his hat, to the best of my knowledge.

Q. What part of his hat?

A. From the crown of it, inside the hat; I did not see any ribbons stick to the hat outside.

Q. The ribbons he shewed you, he took from the inside of the crown of his hat?

A. Yes.

Q. What sort of ribbons were they?

A. I cannot speak to the colours of them; they were dark colours.

Q. What did he say to you when he shewed them to you?

A. I did not hear any particular observations made upon the colours of the ribbons.

Q. Did he ask you any question, whether you had seen them?

A. Yes, he asked us, "Have you ever seen such a thing as that before," or words to that effect.

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Q. There were other soldiers in the room?

A. Yes.

Q. And he asked, generally, if the soldiers had seen any such thing before?

A. Yes, he asked, generally, if they had seen any such thing before; I did not consider the conversation addressed particularly to me.

Q. Was it, generally, to the soldiers in the room?

A. Generally.

Q. What else did he say?

A. He asked us, should not *us* like to have a big loaf; and said, there were very few soldiers but what felt the distress of the times as well as others.

Q. What else did he say, as near as you can recollect?

Mr. Justice Bayley. Did he say any thing more?

A. Yes, there was more said than that; that times would never be no better till there was a fresh set altogether, or a new set altogether.

Mr. Shepherd. Did he say any thing else?

A. I do not recollect any thing particular.

Q. Do you recollect any thing, never mind whether particular or not?

A. No, I do not recollect any thing more.

Q. There were several soldiers in the room?

A. Yes.

Q. Was there any body else besides soldiers, and the man you think was like Hooper?

A. I did not take any notice that there were.

Q. Were you in regimentals this night?

A. I was.

Q. Had you ever seen that man before, at a time when you were not in regimentals?

A. I cannot swear I had.

Q. But a man like him?

A. I do not know whether I had or not; I had seen a

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man there before, but I never used to stop in the house any time; I had leave from my commanding officer to sleep out of the Tower, and come up once or twice a week.

Q. Do you think, at any of those times, you had seen this man before?

A. No, because my stop was very short.

Q. Who paid for the beer you had?

A. I do not know, I did not see any money pass.

Q. Did you pay any thing?

A. I paid for a glass of spirits at the bar, but I did not pay for any beer.

Q. Did you drink any beer?

A. I did.

Cross-examined by Mr. Serjeant Copley.

Q. How many persons might there be there altogether?

A. I cannot say to numbers.

Q. Might there be a dozen?

A. I cannot say.

Q. How long did the conversation last altogether?

A. I was not in the place more than from ten minutes to a quarter of an hour.

Q. During that time there was a deal of general conversation.

A. There might be; I did not pay particular attention to it.

Q. Do you recollect whether this was a wet or a dry day?

A. I think it was a wet evening; to the best of my recollection, it was a wet evening, but I cannot say upon oath.

Q. You do not take upon yourself to say this was Hooper?

A. I cannot swear that it was.

Q. But whoever the man was, he took those ribbons as you describe, out of the crown of his hat?

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A. He did; I saw the man take ribbons out of the crown of his hat.

Q. And this was in the evening.

A. Yes.

Q. You did not attend to all the conversation that was going on.

A. I did not attend to it particularly.

Q. But there was a good deal of mixed and general conversation?

A. Yes, one talking among another.

Q. And here and there you caught up an expression?

A. Yes, I did.

Q. Was this public in the room generally?

A. Yes.

Q. No whispering in any corner?

A. I heard no whispering to the best of my recollection.

Q. Was any thing said about the Spa-fields meeting at this time?

A. I do not recollect any thing of the Spa-fields meeting being mentioned at all.

A Juryman. Did you know Castle?

A. I did not; I never saw the prisoner to the best of my knowledge, but once.

Q. I mean Castle the witness, who has been here?

A. No, I did not.

William Harris sworn.

Examined by Mr. Attorney General.

Q. Are you a soldier in the Coldstream regiment of Guards?

A. Yes.

Q. Were you in the Tower in the month of November?

A. Yes.

Q. Do you remember the day when the riots took place in the Minories.

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A. Yes.

Q. Do you recollect at any time before that, being at the Stone Kitchen public-house in the Tower?

A. Yes.

Q. Do you remember how many days before that?

A. No, I cannot.

Q. About how long?

A. It might be a week, or not so much.

Q. Do you recollect two persons coming in there, and calling for any beer?

A. Yes.

Q. Do you know either of them?

A. Yes, I think I should.

Q. What was the name of either of them?

A. That I do not know.

Q. Should you know them if you saw them?—Look in the second row, and see if you see them?

A. That is the gentleman there [*Hooper.*]

Q. When that person came in, did he call for any thing?

A. Yes, he called for a pint of ale.

Q. Did he talk to any body?

A. Yes, he began to talk to the soldiers.

Q. Who did he talk to?

A. I cannot say who it was; there were different soldiers in the room at the time.

Q. Were there any soldiers there besides yourself?

A. Yes, there might be a dozen; I cannot say to a soldier or two.

Q. Was any more beer called for?

A. Yes.

Q. By whom?

A. By this gentleman.

Q. How much more?

A. Half a gallon.

Q. Who partook of that beer?

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A. The soldiers and the gentleman; he drank to the soldiers.

Q. Do you remember any paper being produced?

A. There were some papers dropped by the side of the table at which I stood.

Q. Who dropped them?

A. There were two gentlemen together; I cannot say which of them dropped them.

Q. When you say two gentlemen together, do you mean that that person [*Hooper*] was one of the two gentlemen?

A. Yes.

Q. Was any thing said when they dropped those papers by the table?

A. He said we were to hand those about to our comrades, after they were gone.

Q. Did you say any thing?

A. No.

Q. Can you read?

A. No.

Q. Do you remember whether any thing was said about that?

A. No, not no more than that.

Q. Nothing about your not reading?

A. No.

Q. Was any thing said about what the bills were about?

A. No.

Q. Did you hear those persons say any thing to you and the soldiers?

A. Yes; they asked us whether we should like a big loaf; and some of the soldiers said, yes they should like to have them as big as they could get them.

A Juryman. Do you recollect who said that?

A. No.

Q. Did that man, Hooper, say it?

A. I do not know which of them.

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Mr. Attorney General. Were they both together when it was said?

A. Yes.

Q. Tell us what else was said by either of them when both were there?

A. Then they asked us, what we should do if the mob were to come into the Tower; and then the soldiers made answer and said, "we should do our duty."

Q. Tell us any thing else that you recollect?

A. They asked us, whether we should like to get out of our regiment; and some of the soldiers answered, "then we should starve to death."

Q. What was said about that?

A. Then they made answer and said, "Oh no, no, you would not." That was all I heard pass while I was in the room.

Q. Who went away first; did you go out of the room first?

A. Two soldiers and me went out first, and those gentlemen and two soldiers went afterwards, and brought up another gallon of beer.

Q. Did you hear any more beer ordered?

A. No, not while I was in the room.

Q. Then you went away?

A. Yes.

Q. Whilst the gentlemen were there, did you hear either of the papers read?

A. No.

Cross-examined by Mr. Serjeant Copley.

Q. You said you would do your duty if the mob came?

A. Yes.

Q. And you would do your duty, well, I dare say?

A. Yes.

Q. You are not afraid of a mob at the Tower?

A. No.

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Q. How long did the conversation last?

A. Not more than a quarter of an hour.

Q. How many were there present?

A. I cannot say to a soldier or two.

Q. Who is the landlord of that place?

A. Mr. Robson.

Q. Was this all the conversation that you recollect?

A. Yes.

Q. I suppose you would have done your duty, if you had thought any thing had been wrong?

A. Yes; but I never heard any thing wrong pass.

Q. Either then or at any other time?

A. No.

Q. It made no impression on you?

A. No, because there are many gentlemen will give a soldier a pot of beer.

Q. If you thought there was any thing wrong you would have seized him?

A. We should have told our commanding officer of it.

Q. You did not tell him of it?

A. No; I went out and told my company of it, but they took no notice of it.

Q. And you did not hear any thing which made an impression on you as being amiss?

A. Not a bit.

Q. And there was a good deal of conversation?

A. For a quarter of an hour; the gentleman went away before me.

Q. What those papers were you do not know?

A. No.

Q. Which was the greatest talker of the two?

A. There was not much difference between the two.

Q. Do you know who the other man was?

A. I should know him if I was to see him.

Q. You have not seen him then?

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A. No.

Mr. Justice Bayley. Sometimes one spoke and sometimes the other?

A. Yes.

Q. Did each of them speak sufficiently loud to be heard by the other?

A. Yes.

Q. Could they have failed one hearing what the other said?

A. No.

Lord Ellenborough. You said it made no impression upon you?

A. Not a bit.

Q. But you thought it worth while to mention it to your company?

A. I told the company we had some beer given us in the Stone Kitchen by two gentlemen.

Q. Did you tell the company what had been said?

A. I did not, because I did not think it proper; I did not think there was any harm in it.

Mr. Justice Abbott. Harm in what?

A. Not in what these gentlemen said in the public-house.

Charles Nailor sworn.

Examined by Mr. Solicitor General.

Q. In the month of November last were you a soldier in the Coldstream Guards?

A. Yes.

Q. Were you at that time on duty in the Tower?

A. We were all kept in the Tower in case any thing should happen.

Q. You were in the Tower?

A. Yes.

Q. Shortly before the riots?

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A. Yes.

Q. Do you recollect being at a public-house called the Golden Chain, in the Tower?

A. Yes.

Q. Shortly before these riots in the Minories?

A. Yes.

Lord Ellenborough. Can you state how many days before?

A. No, I cannot.

Mr. Solicitor General. About how many?

A. I never gave it any consideration, what day in the week it was, nor any thing.

Q. How many days was it before?

A. It could not be many days before; but I cannot say exactly.

Q. Did you see any persons there who treated the soldiers with beer?

A. I saw two gentlemen come in there when I went in to get a pint of beer, and they called for a pot of porter.

Q. Do you know either of these persons? [*the prisoners.*]

A. Yes.

Q. Which?

A. That is the man [*Hooper.*]

Q. Did he or the other person ask you to drink?

A. They called for a pot of porter, and asked me if I would accept of it.

Q. Did you drink with them?

A. I drank it; they did not drink any themselves.

Q. Did they, either of them, give you any bills?

A. They rolled up some hand-bills, and put them into my hand slily, and told me to look at them after they were gone.

Q. Do you recollect which of them it was who put those bills into your hand?

A. I believe it was the tallest; he was a tall man.

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Q. Did he or the other say any thing to you when they gave you the bills?

A. They told me to look at the bills when they were gone, and if we would be ruled by them they would make us gentlemen in a very short time.

Q. Did any thing more pass?

A. Nothing more passed; I gave my comrades the bills as I could not read myself.

Q. Did you give either of the bills to a man of the name of Buchanan?

A. Yes.

Q. Did you hear them read to you afterwards?

A. I did not take much notice; Buchanan read them in the mess kitchen.

Mr. Justice Bayley. Did you hear him?

A. Yes, I heard him read them.

Mr. Justice Bayley. You will call Buchanan?

Mr. Solicitor General. Yes, my Lord.—He read them in the mess kitchen?

A. Yes.

Q. To whom did he read them?

A. To other soldiers that were in the mess kitchen.

Cross-examined by Mr. Serjeant Copley.

Q. It was the taller man that put this bill into your hand?

A. Yes.

Q. You did not attend to the bill that was read?

A. No, I did not attend to it.

Q. The bill was read?

A. Yes.

Q. Did you pay any attention to it?

A. No.

Q. It made very little impression upon you then?

A. No.

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Q. You took no notice of it?

A. No, I was more attentive to my duty than to that?

Q. How many persons might there be in the public-house?

A. Five or six.

Q. Are these public-houses open to any body who goes into the Tower?

A. Yes, but they must give an account of themselves, where they are going to. They must be going to see some friend before they can get in.

Q. There is often a mixt company of soldiers and people drinking there?

A. Yes, but they must give an account of themselves before they can get in.

Mr. Justice Abbott. The mess kitchen is in the Tower, and they cannot get in without giving an account of themselves.

Mr. Serjeant Copley. They are stopped at the Tower-gate?

A. They should be, if the sentries do their duty.

Q. It is not an uncommon thing for a man to come and treat the soldiers?

A. No; but it is uncommon to see them at such times as that.

Q. It is not uncommon for a person, when the soldiers come into the room, to ask them to drink?

A. Sometimes they do.

Q. Soldiers are not flush of money, you know?

A. No, they certainly are not flush of money.

A Juryman. Did you ever see the tall man before that time?

A. No, I never saw either of them before.

Mr. Serjeant Copley. Was it the tall man that made the observation, you would all be made gentlemen?

A. I cannot say.

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Q. Did they speak loud enough to be heard by all present?

A. No.

Q. Was it particularly addressed to you?

A. Yes.

Q. Was it a whisper, or loud enough to be heard?

A. It was not loud enough to be heard all over the house.

Q. Was it loud enough to be heard over the box?

A. There was nobody in the next box.

Q. It was addressed to you at the time the bills were put into your hands?

A. Yes.

Q. Was it the prisoner here, or the tall man?

A. It was the tall man gave me the bills.

Q. And the tall man said that to you, as well as gave you the bills?

A. Yes.

Mr. Justice Abbott. Did the tall man say it loud enough for his companion to hear him?

A. Yes, because they were both sitting together.

Q. But there were other persons in the room who did not hear it?

A. Yes.

Q. It was said loud enough to be heard by his companion who was sitting by him, but not loud enough to be heard by other persons who were in the room?

A. Yes.

George Buchanan sworn.

Examined by Mr. Solicitor General.

Q. I believe you are a soldier in the Coldstream Guards?

A. Yes.

Q. Were you at the Tower, on duty, in November last?

A. Yes.

Q. Do you remember Nailor bringing you any printed bill?

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A. Yes, he did.

Q. Did he desire you to read it?

A. Yes.

Q. Where were you, at the mess room?

A. At the mess kitchen.

Q. You read it aloud, did you?

A. Yes.

Q. Can you recollect what the contents were?

A. I can recollect part of it.

Q. Were there many soldiers there when you read it?

A. There were the amount of a dozen, or from that to fourteen.

Q. Be good enough to state, to the best of your recollection, what you read to them?

A. It mentioned that there were so many millions in a starving condition in the country; and likewise it mentioned, that they were in the same state in Ireland, and that their brothers in Ireland were in readiness to rise.

Q. Was there any thing about a meeting, do you recollect?

A. I do not recollect any thing about a meeting.

Lord Ellenborough. You do not recollect the particulars?

A. Nought but those things.

Cross-examined by Mr. Serjeant Copley.

Q. Those things you do recollect?

A. Yes.

Q. You read it?

A. Yes.

Q. How many times?

A. Only once, and gave the paper back again.

Q. You are certain what you have stated is correct?

A. Yes.

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Q. It mentioned that Ireland was in the same state, and that the people were ready to rise?

A. Their brothers in Ireland were ready to rise.

Q. You are quite sure this was so?

A. Yes.

Q. Are those all the words you remember?

A. I told you before, that it hoped they would be the same here.

Q. You are quite sure you are correct as to that?

A. I think I am.

Q. You read it loud to the people?

A. I do not know whether they could hear me; they were in the mess kitchen.

Q. You read it?

A. Yes, the man asked me to read it, because he could not read it himself.

Lord Ellenborough. What did you do with the paper?

A. I gave it back to Charles Nailor again.

Mr. Solicitor General, [*To Nailor.*] Did you get back the bill again from Buchanan?

A. Yes, I had one of the bills back, and I tore it to light my pipe with.

James Chappell sworn.

Examined by Mr. Topping.

Q. Are you a publican?

A. Yes.

Q. Where is your house?

A. In Long-acre.

Q. Did you live there in the month of November last?

A. Yes.

Q. Is your house frequented by the soldiers that are upon duty at the theatres?

A. Yes.

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Q. Do you remember any persons coming to your house in November last?

A. I do not know the day of the month.

Q. Do you recollect whether it was about the time of the Spa-fields meeting?

A. It was about that time.

Q. Was it between the first and the second?

A. I believe it was before the first, when the hand-bills were printed.

Q. Was it before the first meeting, or after the first meeting, do you think?

A. I cannot be certain which; it was the time when hand-bills were stuck about the street.

Q. Do you recollect whether those hand-bills talked of a meeting at Spa-fields?

A. Yes, they mentioned something about it.

Q. Do you recollect the time when the meeting was to be?

A. No, I took no heed of it.

Q. Two persons came?

A. Yes.

Q. Were there any soldiers in your house at the time?

A. Yes, several.

Q. Do you know the persons who came, perhaps you do not?

A. No, I do not.

Q. Two persons came in company together when there were several soldiers in your house drinking?

A. Yes.

Q. Did they treat the soldiers with any beer?

A. Yes, two or three pots.

Mr. Wetherell. I do not wish to object, but I think this is left much too dark.

Lord Ellenborough. I do not know what question will follow.—You never saw either of them before or after?

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A. Yes, they came twice; on the following evening they came again, but I do not know whether they treated the soldiers that night or not.

Mr. Topping. Do you know this person that sits in the first row [*Watson*]?

A. I do not think it was him or either of them.

Mr. Wetherell. Then I submit this is not evidence.

Mr. Topping. You are not enabled to say that, in your belief, they were any of these four persons?

A. No, I cannot swear to either of them.

Q. Do you believe any of them to be the same persons?

A. No, I do not.

William Hillyer sworn.

Examined by Mr. Topping.

Q. Are you a publican?

A. Yes.

Q. Where is your house?

A. The Tower Tap.

Q. Where is that?

A. In St. George's Fields; Tower-street, St. George's Fields.

Q. Is there a gentleman of the name of Maudsley, who has a factory near you?

A. Yes.

Q. Do the men who work at that factory come to your house?

A. Yes, three or four of them.

Q. What kind of factory is that?

A. It is an iron factory.

Q. Do they dine at your house?

A. They dine there most days.

Q. What is the usual hour of dining?

A. At one o'clock they come in.

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Q. Do you know any of the persons sitting here; do you know Preston?

A. I know Preston.

Q. Do you know a person of the name of Castle?

A. Yes, I do.

Q. Do you remember Preston and Castle coming together to your house in November last?

A. I believe I do.

Q. Can you tell me the time; you recollect perhaps the riots in the Minories?

A. It was previous to that.

Q. How shortly previous to that?

A. It might be a few days.

Q. Preston and Castle came together?

A. I believe they were both together.

Q. Was there a third person in their company?

A. There were more men in company, but who they were I do not know;—more of that party.

Q. Preston and Castle you knew?

A. I had never seen Mr. Preston before that.

Q. But you know him now to be the same person?

A. Yes.

Q. Did they bring any printed bills along with them?

A. There were bills brought before that; not at that time; they were brought before, when I was out.

Q. Some time before, some printed bills had been left at your house, but you do not know by whom?

A. I do not know by whom.

Q. You do not recollect whether any printed bills were left that day?

A. I do not.

Q. What time was it they came?

A. I believe it was about one;—I am generally employed in getting dinner ready, and I could not pay much attention, neither did it concern me.

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Q. It was about one o'clock, you think, that Preston and Castle came?

A. Yes.

Q. Do you remember their being about to go away?

A. Yes, I do.

Q. Was any thing said to them by any body?

A. I do not recollect. There was once; but it was not at that time that I was at home.

Q. I speak of when you were at home, and Preston and Castle were there. Do you remember their being about to go away, and somebody saying something to them?

A. No.

Q. Do you remember whether any of these men of Maudsley's came in whilst Preston and Castle were there?

A. Yes, they did.

Q. Did they drink together?

A. Yes.

Q. Do you remember their going away?

A. Yes, I do.

Q. How many went away together; Preston and Castle, and any body else?

A. They all went together that were in the party, four or five of them; I cannot say how many.

Q. Leaving Maudsley's men in the house?

A. Yes.

Q. Do you remember any thing that was said by Castle or Preston, or any of the party, to Maudsley's men as they were going away?

A. No, I do not; I do not recollect any conversation passing.

Q. Was any thing said to Maudsley's men, by either Preston or Castle, when they were going out of the house?

A. I do not recollect any thing.

Q. Was any thing said about the meeting?

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A. "You will be there."

Q. One of the party said, upon going away, to Maudsley's men, "You will be there?

A. Yes.

Q. What answer was given to that?

A. "They certainly should."

Q. Did you afterwards see Castle at your house?

A. Yes.

Q. Were any of Maudsley's men there at that time?

A. He always came at their dinner hour.

Cross-examined by Mr. Wetherell.

Q. So Mr. Castle was always there when the men came to dine?

A. Nearly so.

Q. You saw Mr. Castle's face pretty often, did not you?

A. Yes, I did.

Q. At this last time, when the men were desired to attend the meeting, I understand you to say there were three of them?

A. I understood there were three.

Re-examined by Mr. Topping.

Q. Was Preston generally along with Castle, when he came?

A. I never saw him but once; he had been there as they told me.

Q. But you do not know that of your own knowledge?

A. No.

Richard Statham sworn.

Examined by Mr. Gurney.

Q. Are you a soldier in the Coldstream Guards?

A. Yes.

Q. Last November and December were you stationed in the Tower?

A. Yes.

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Q. Do you remember the riots in the Minories, on the day of the Spa-fields meeting?

A. Yes.

Q. Shortly before that day, do you remember any persons coming into the Stone Kitchen at the Tower?

A. Yes.

Q. How long before?

A. It might be about the middle of the week, or about the Thursday or Friday.

Q. Have you since seen either of those persons again?

A. Yes, I saw one of them in the Tower.

Q. How many were there that came?

A. There were two in company.

Q. Will you look among these gentlemen here, and see if you see either of them again.

A. Yes, I think that gentleman was one [*Hooper.*]

Q. Was the person with him a tall man or a short man?

A. He was a taller one.

Q. How many soldiers of you were in the Stone Kitchen, at the time they were there?

A. To say how many there were justly, I cannot.

Q. Were there a few?

A. There might be ten, eleven, or twelve.

Q. Was any beer given to you?

A. Yes, I myself had been at work for the landlord of the Stone Kitchen.

Q. Was beer given to you by these two persons, or either of them?

A. To some of the soldiers.

Q. Was it given by one of those two?

A. Yes.

Q. What did they talk about?

A. I was not listening to their discourse.

Q. Did you hear any of it?

A. Yes.

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Q. What did you hear?

A. The words I heard them make mention of was, one of them took hold of a pot of beer, and said "Success to a big loaf."

Q. What more do you remember?

A. I remember that was the first pot they had.

Q. How many pots of beer did they give?

A. To the best of my recollection, I think it was either six or seven pots.

Q. Do you remember any thing of their conversation besides this big loaf?

A. No, I do not.

Q. How long did they stay, as well as you remember?

A. I might be sitting on the table, I dare say, half an hour.

Q. Do you remember their going away?

A. Yes.

Q. Do you remember what they said?

A. One of them came up to me, and called me Countryman; and I said "Countryman; what countryman are you?" he said he was a Yorkshireman.

Q. Was that the person who is here, or the other?

A. It was the other.

Q. He called you Countryman?

A. Yes, he said he came from Sheffield in Yorkshire.

Q. At going away, did either of them give you any thing?

A. He asked me to go down stairs to have a glass of any thing I chose at the bar.

Q. As they were going away, did either of them say where they were going to?

A. Not at that present time when I went down stairs; they asked me to go down, and I went down, and asked them what they wanted, and they asked me if I would go and take a glass at the bar. I said I had no need of it; and they said they respected any person who came from the country.

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Q. Did either of them say where they were going to?

A. Yes. One of them paid for a glass of gin I had; he gave an eighteen-penny piece, and put the halfpence in his pocket, and afterwards he gave me a shilling: says I, what is this? says he, for half a gallon of beer: I ordered the landlord to take it up stairs, and he told me there was a penny out; I then took a penny-worth of 'bacco, and said, that will serve for my comrades. Afterwards the Yorkshireman said he had two or three places more to go to, and he said, "perhaps I shall see you again on Sunday;" says I "I do not think you will."

Q. Was this said in the presence of the person who is here?

A. No, he was outside the door.

Cross-examined by Mr. Serjeant Copley.

Q. It was the Yorkshireman that was the great spokesman throughout?

A. I did not hear any great spokesman; he asked me whether I was not Yorkshire; he expected to see a Yorkshireman, he said.

Mr. Gurney. Who paid for the liquor?

A. I was not taking notice, for I was not sitting in their company.

A Juryman. Which of the two gave the toast about a big loaf?

A. I believe it was the Yorkshireman, as he called himself; a big man: I do not know what he was.

William Mortimer sworn.

Examined by Mr. Gurney.

Q. Are you a soldier in the Coldstream Guards?

A. Yes.

Q. In November and December last, were you in the Tower?

A. Yes, I was.

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Q. Do you remember seeing any men come there shortly before the riots in the Minories?

A. I cannot say; it was shortly before the Spa-fields meeting.

Q. How many came?

A. There were two.

Q. Was that one of them that is standing up? [*Hooper*]

A. That is the young man.

Q. Was the other a taller or a shorter man?

A. Taller.

Q. Did either of them produce any printed bills?

A. Yes.

Q. What were those bills about?

A. I cannot say; I am no scholar, and could not read them.

Q. Did they give any beer to the soldiers?

A. Yes, there was half a gallon of beer after I came into the house.

Q. What house was this at?

A. The Stone Kitchen.

Q. Was Statham present at any part of this time?

A. Statham was present with this young man at the bar?

Q. Do you remember any conversation about the Spa-fields meeting?

A. Not the least.

Q. Do you remember any thing of their conversation?

A. No, nothing to me, not the least.

Q. You do not remember any of their conversation?

A. No, not the least.

Q. Did you hear either of the bills read?

A. In the mess kitchen there was one read.

Q. Do you remember what it was about?

A. No, I do not.

Q. Do you remember any money being given to Statham by any body, for beer?

A. A shilling was given him at the bar.

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Q. Who gave that?

A. That young man [*Hooper.*]

Cross-examined by Mr. Wetherell.

Q. Do you remember a good stout strapping fellow there, at the same time, called a Yorkshireman?

A. Yes, there was.

Q. You remember the Yorkshireman?

A. Yes, he was called a Yorkshireman.

Q. A stout man?

A. Taller than that man.

Q. Did he come bustling about there?

A. Not in my presence.

Q. So this shilling was given for beer?

A. Yes.

Q. Except a penny for 'bacco?

A. There was a pennyworth of tobacco came up with it.

Q. Did one of you get the tobacco, or was it distributed among you all?

A. There was not above a couple of pipes of it; who had it I do not know.

Q. You seem to recollect nothing else about it?

A. I recollect his being there, and wrapping a bill up, and throwing it down on the floor.

Q. Are you certain the Yorkshireman did not put down the shilling?

A. It was the other young man.

Q. Are you quite certain of that?

A. Yes.

Q. Why are you certain of that?

A. Because I took particular notice of it at the time.

Q. Were you nearer to him than the other soldier?

A. I came in at the door, and called for a pint of beer.

Q. Where was Statham standing when the money was given?

A. Close to the bar.

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Q. He could see what was going on as well as you?

A. Yes.

Thomas Robertson sworn.

Examined by Mr. Gurney.

Q. In November and December last were you stationed in the Tower?

A Yes.

Q. In the Coldstream regiment?

A. Yes.

Q. You remember the riot in the Minories?

A. Yes.

Q. Do you remember being in the Stone Kitchen the Sunday night before?

A. I was in the Stone Kitchen a Sunday night, but whether it was the night before I cannot say.

Q. Do you remember any men coming there?

A. Yes.

Q. How many?

A. There were two men came in particularly?

Lord Ellenborough. Ascertain what Sunday it was.

Mr. Gurney. I think I shall fix the day by something that is coming. Do you remember any thing being said before they parted, about the next day?

A. Yes; when they were going out, down stairs out of the Stone Kitchen, one of them took a large bunch of colours out of his hat.

Q. Do you mean ribbons?

A. Yes.

Q. And said what?

A. And shook it round his head, and said he hoped we should all wear the same as them to-morrow.

Q. He took them out of his hat?

A. Yes, out of the inside of his hat.

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Q. And held them up, and said he hoped you should all wear such ribbons as them to-morrow?

A. Yes.

Q. Were the ribbons all of one colour, or more colours than one?

A. They were of different colours to the best of my belief.

Cross-examined by Mr. Serjeant Copley.

Q. There were two men?

A. Yes.

Q. Which did this, the taller or the shorter of the two?

A. To the best of my belief, it was the shortest man.

Have you any recollection about it?

A. Not particularly.

Mr. Justice Bayley. He has not mentioned what men they were.

Mr. Gurney. I have reason to believe the person is not here. He mentioned two men, a tall man and a short one; the shorter man is not here.

Lord Ellenborough. He mentioned that there were two men.

Mr. Gurney. Yes, my Lord.—A taller and a shorter?

A. Yes.

Mr. Justice Bayley. You have not at all fixed who those two men were.

Mr. Gurney. No, I do not believe we can.

A Juryman. Do you know the date of that meeting?

Mr. Gurney. Do you remember how soon after that the Spa-fields meeting took place?

A. No, I do not remember; we were confined in the Tower several nights before in consequence of that.

Q. Were you confined in the Tower any night before?

A. Yes, on the Sunday before.

Q. And on some other day?

A. Yes, the Monday after.

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Mr. Justice Bayley. Were you confined in the Tower after the Monday?

A. Yes.

Mr. Gurney. What were you confined for?

A. On account of the Spa-fields meeting.

Q. You were confined in case of any mischief?

A. Yes, we were not allowed to go out.

Mr. Wetherell. In consequence of what he has said, this is not evidence.

Lord Ellenborough. It is general evidence of what was done in consequence, but he has not identified the parties.

William Duke sworn.

Examined by Mr. Richardson.

Q. Do you live in a place called the New Cut, between Blackfriars and Westminster Bridges?

A. Yes.

Q. Is that a shorter road from Rowland Hill's chapel to Westminster bridge?

A. It is.

Q. Have you a number of carriages, and things of that sort, for sale?

A. Yes.

Q. Do you remember the time of the last Spa-fields meeting?

A. I do not know the time.

Q. A short time before that meeting, do you remember two men coming to your place?

A. Yes.

Q. How long before?

A. About three or four days.

Q. What sort of men were they; were they of the same size?

A. One a tall man, and another a shortish man.

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Q. Did they apply to you for any thing?

A. Yes, for a stage; whether I had got a stage to sell.

Mr. Justice Abbott. To sell, or to let?

A. To sell, at first.

Q. Had you any thing of that sort?

A. Yes, I had.

Q. What sort of stage?

A. It had been a mountebank stage, about eight feet long, with a platform upon it for people to stand upon; and they said it would suit their purpose.

Q. You shewed it to them?

A. I sent a man to one of my yards to shew it them.

Q. They told you, it would suit their purpose?

A. Yes; and I asked them ten pound for it.

Q. What said they?

A. They hesitated a good bit; and then they said, they wanted to hire it.

Q. Did they say for what purpose they wanted it?

A. When they said they wanted to hire it, I said, I never let *no* carriages at all, neither chaises, nor gigs, nor any thing; and I would not let them have it.

Q. Did they say for what purpose they wanted it?

A. They wanted it to go to Spa-fields, where there was a meeting; there was a society of them, and they would make it good, if any thing happened to it. I said, "I shall not lend it to you." They wanted it to make a speech upon it.

Q. You would not let them have it?

A. I would not.

Q. You came to no agreement then with them?

A. I would not; I told them I would not let it go.

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William Ware sworn.

Examined by Mr. Gurney.

Q. Do you remember the Spa-fields meeting last December?

A. Yes.

Q. A few days before that, do you remember Castle making any application to you?

A. After the second.

Q. After the second, or before the second?

A. After the first, and before the second.

Q. What application did he make to you?

A. He wanted me to recommend him where he could borrow a waggon.

Q. Did you recommend him to any person?

A. Yes.

Q. To whom?

A. To Mr. Windemude.

Frederick Windemude sworn.

Examined by Mr. Gurney.

Q. Do you live in the Horse-ferry-road?

A. Yes.

Q. Do you remember the Spa-fields meeting on Monday the 2d of December?

A. Yes, very well.

Q. On the Wednesday before that, did any person apply to you for a waggon for that day?

A. Yes.

Q. Who applied to you?

A. A person that I have found since to be of the name of Castle.

Q. Did he tell you for what purpose he wanted your waggon?

A. Yes.

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Q. For what purpose?

A. He said, that Mr. Hunt had a few speeches to make on the Monday following, and that Government had offered to erect him hustings, but he would not accept them, and he would speak from a waggon.

Q. Did you lend them your waggon?

A. Yes.

Q. At what house was it you had this conversation with him?

A. He sent for me to the sign of the Ship, Horse-ferry-road.

Q. Did you talk together about the price?

A. Yes.

Q. Did he come to you again once, or more than once?

A. He came to me on the Sunday following.

Q. Who came with him?

A. A person I have found since to be of the name of Hooper.

Q. Is that the person? [*pointing to Hooper.*]

A. That is the person.

Q. Did they come to you at the Ship on Sunday evening again?

A. They sent for me to the Ship.

Q. Did you then receive directions where to be the next morning?

A. Yes.

Q. Did you receive those directions from Castle or from Hooper?

A. From both of them, I believe, to the best of my knowledge.

Q. Were you and they in company together, and talking so that each heard what the other said?

A. Yes, in the tap-room.

Q. Where were you directed to take it the next morning?

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A. At the top of Chancery-lane, Holborn way.

Q. Did you see either of them produce any hand-bill?

A. Yes.

Q. Which?

A. I cannot say which; I believe both of them had hand-bills.

Q. What about?

A. I did not read them; but one was stuck up in Mr. Wheatley's tap-room.

Q. Who stuck it up?

A. I believe Castle did.

Q. What became of it?

A. It remained there; but when I came the next morning, I found it was pulled down.

Q. Did you see any cockade or ribbons?

A. Yes.

Q. In whose hands?

A. Mr. Castle's; he had a very large one inside of his hat.

Q. Was it one colour, or more colours than one?

A. Different colours.

Q. Did he give any person in the house any of it?

A. Yes.

Q. Who?

A. Not of that ribbon; he had in his great-coat pocket fifty or sixty yards, and he gave me a bit about a quarter of a yard, and the servant about a yard and a half; she asked him for it.

Q. The female servant of the house?

A. Yes.

Q. Did either of them say any thing to you about dressing your horses?

A. Yes, both of them; they spoke to that purpose, and I denied it.

Q. With what?

A. With ribbons.

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Q. What did he say?

A. He said these ribbons and these colours were what the horses were to be decked out with the next morning.

Q. And you denied it?

A. Yes.

Q. The next morning, did you and your boys go with the waggon to the top of Chancery-lane?

A. Yes.

Q. While you were waiting there did you see Hooper and Castle?

A. Yes, they came to me.

Q. Did they give you any directions what to do?

A. They asked me how long I had been there.

Q. Did they tell you what to do?

A. They told me to stop there till they returned.

Q. How soon did they come back?

A. In about a quarter of an hour, it might be a little more, I cannot say particularly.

Q. Did they bring any thing with them?

A. Not then.

Q. Did they go again and come back again?

A. Two gentlemen came after that, and asked me where I was going with that waggon, whether I was going to Spa-fields with it.

Q. Did either of them, or any other person, bring any thing to your waggon?

A. Yes, after that.

Q. Who did that?

A. Both Castle and Hooper too.

Q. What was it they brought?

A. Something wrapped up in blankets and something in a handkerchief, which were put into the waggon; long poles they proved to be.

Mr. Justice Bayley. The long poles were wrapped up in what?

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A. In a blanket.

Mr. Gurney. Who went with you to Spa-fields at last, after you had all the things?

A. Mr. Hooper rode in the waggon all the way.

Q. Then Castle did not go to Spa-fields with you?

A. To my knowledge I never saw him afterwards.

Q. When Hooper got into the waggon, to go with you in the waggon to Spa-fields, were there any other persons in company with him?

A. There were two gentlemen who had made great inquiry where the waggon was going.

Q. Did they speak to Hooper when he got into the waggon?

A. Yes.

Q. Did they appear to be in company with him?

A. Yes; and he told me, if any body asked where the waggon was going, not to tell them.

Q. Did they walk before you?

A. Yes, they told me to follow them.

Q. And did you follow them?

A. Yes.

Q. To Spa-fields?

A. To Spa-fields.

Q. When you got to Spa-fields, were you directed to stop by any person?

A. Yes, I was.

Q. By whom?

A. I believe it was Mr. Hooper told me to stop; but I was directed by one, two or three; those two gentlemen that I followed told me to stop.

Q. Did they stop too?

A. Yes.

Q. Did you take your horses out?

A. I did; I told my lads to take them out.

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Q. Did you then make any application to Hooper for any thing?

A. Yes; when Mr. Castle came to me on the Wednesday he gave me ten shillings as earnest for the waggon, and on Sunday two one pound notes.

Q. Then you had received two pounds ten shillings?

A. Yes; and I was to have thirteen shillings more on Monday morning.

Q. How was that?

A. Three guineas I was to have for the use of the waggon.

Q. For yourself and the boys?

A. For myself and the boys.

Q. Did you apply to Mr. Hooper for this thirteen shillings?

A. I got up in the waggon, and applied to Mr. Hooper, and there were those two gentlemen, and two or three more that went before the waggon; and he said, I had no occasion to trouble myself.

Q. Who said that?

A. To the best of my knowledge, the persons were young Watson and Thistlewood.

Q. Do you believe that to be the gentleman you call Thistlewood? [*pointing to Thistlewood.*]

A. I believe that to be the gentleman, to the best of my knowledge.

Q. Was he dressed then as he is now?

A. No; he had on a brown great coat.

Q. Was he dressed like a gentleman?

A. Both like gentlemen; arm in arm together.

Q. What answer did Mr. Thistlewood give you?

A. I am not sure whether it was him, but some one made me an answer, I had no occasion to have my doubts; if it was five hundred pound I should be paid.

Q. Did these persons get into your waggon?

A. They were in the waggon.

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Q. All three of them?

A. Yes; three or four of them.

Q. Did any other persons get in?

A. The very moment I spoke those words, I got out of the waggon, and the waggon was filled with people of every description; boys and men of every description; it was filled in no time.

Q. What was done with those long poles which were wrapped up in blankets?

A. They undid them, and they proved to be flags; and they waived them about and hurra'd, and made a great noise.

Q. Do you remember who held up the flags?

A. No, I cannot say.

Q. You took out your horses, you say?

A. Yes.

Q. Did any persons make speeches from the waggon?

A. Yes; there were many persons made speeches; but I paid attention to the front of the waggon, and did not hear them.

Q. Did you hear what the last speaker said?

A. "Follow me."

Q. Do you know who that was?

A. I do not.

Q. After you had heard the words, "Follow me;" what became of the persons who were in the waggon?

A. They all got out; the mob all followed them, and left the waggon.

Q. Did the colours go away as well as the mob?

A. Yes.

Q. After they were gone, did you find any thing left in the waggon?

A. Yes, I did.

Q. What?

A. A piece of cloth, apparently like a handkerchief;

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there was some hay left in the waggon; and after they were gone, I stopped about half an hour.

Q. You found a piece of cloth, and what did you find inside it.

A. Some bullets, a can of powder, and like slugs in it; bits of lead cut to pieces, in a glove; the powder was in a tin can.

Q. Do you mean such canisters as powder is kept in?

A. Yes.

Q. Did you afterwards give them to the officer, Gillmot?

A. No, I gave them to my son-in-law, Yeomans.

Q. Which of them brought that piece of cloth that had these things?

A. I am not sure, but I think Castle put it in the waggon.

Q. Was Hooper with him when he brought it?

A. Yes.

Cross-examined by Mr. Wetherell.

Q. Castle put the blankets into the waggon?

A. I am not sure, I think he did.

Q. When he first came to you about the waggon, I understand you to say he was alone?

A. He was.

Q. Did he say any thing else about Mr. Hunt?

A. That was what he hired the waggon for.

Q. For Mr. Hunt?

A. Yes.

Q. And that Government had offered to build hustings, and he would not accept of them?

A. Yes; what he had to say, he would say from a waggon.

Q. How long was it after this, that you say some other person came with Castle?

A. On the Sunday following.

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Q. Which of the persons here was it that came with him on the Sunday following?

A. That gentleman there, Hooper.

Q. You say something about the younger Watson?

A. Yes.

Q. Where did you first see him?

A. At the top of Chancery-lane.

Q. Are you sure of that?

A. I am not certain it was him, but by the description I think it was him; he was in company with that other gentleman there [*pointing to Hooper.*]

Q. Was it the same person who made a speech from the waggon?

A. There were three or four in the waggon.

Q. You heard somebody use the expression of "follow me;" was the person who used that expression "follow me," the same person you saw at the top of Chancery-lane?

A. I cannot say, there were so many persons there, and I was attending to the front of the waggon; but I heard the words, and those were the only words I attended to.

Q. How near were you to the top of the waggon?

A. I was in front of the shafts of the waggon; there were so many people getting on the shafts, I was afraid they would break them; I heard those words, and they got out directly.

Q. You were close to the shafts?

A. Yes.

Q. And these are all the expressions you remember?

A. Yes.

Q. There was a good deal of noise?

A. Yes.

Q. When any thing choice and good was said, there was a good deal of hurraing, was not there?

A. There was, a great many times.

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Q. Was not there a great deal of noise during the time of the speeches going on?

A. There was.

Q. Was not there a good deal of crowding and shoving and jostling in that place?

A. There was.

Q. During the whole of the time?

A. Yes, the whole of the time.

Q. You sat upon the shafts?

A. No, I stood upon the ground.

Q. Were those the only words you attended to?

A. I cannot mention one word they said, only that word; I took no notice of what they said.

Q. That was the final close?

A. Yes.

A Juryman. Did you say it was a glove that contained those bullets that were found?

A. An old glove, a worsted glove.

A Juryman. May I ask, how he disposed of the shafts?

A. They were at liberty.

Q. Did you suffer persons to stand within the shafts?

A. I was obliged; the mob was so great, I could not keep them down.

Thomas John Yeomans sworn.

Examined by Mr. Gurney.

Q. Are you son-in-law to Windemude, or step-son?

A. Yes.

Q. Were you with him in the waggon in Spa-fields?

A. No, I came after the mob were gone.

Q. Did your father give you the balls and the powder that were found in it?

A. He told me of it.

Q. What did you do with them?

A. I got into the waggon.

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Q. Did you take them?

A. Yes.

Q. Who did you afterwards give them to?

A. To my mother.

Q. Did you give them to Gillmor after that?

A. I did not.

Q. Were they given to Gillmor at your house?

A. Yes; I opened the handkerchief, and looked what was in, and there was a canister of powder, and some balls and slugs.

Q. You took them home and gave them to your mother?

A. Yes.

Q. Did Gillmor the officer come to your house for them?

A. Yes; he heard I had such things, and he came.

James Gillmor sworn.

Examined by Mr. Gurney.

Q. You are a police officer I believe?

A. I am.

Q. How soon after the 2d of December did you go to Windemude's?

A. On the Sunday following.

Q. That was the 8th?

A. Yes, I believe it was.

Q. Did you receive there any powder and balls, and slugs?

A. Not that day; on the Wednesday following that.

Q. Will you produce what you received?

A. I received these from Windemude; this contains bullets, and this powder, [*producing them.*]

Q. And that piece of ribbon in your hand?

A. Yes.

Mr. Justice Bayley. Were they in these things then?

A. Yes, these are bullets, and there are some slugs.

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Q. How many bullets are there?

A. Better than sixty.

Q. And how many slugs?

A. About half a dozen.

Q. How much powder is there in that canister?

A. I do not know; I should presume, by the look of the canister, a pound.

Q. Was it full, or not?

A. It was nearly full, but, by being kept, it dries.

Lord Ellenborough. The bullets are in a glove.

Mr. Justice Abbott. It is a glove, without dividing the fingers.

Ann Hayes sworn.

Examined by Mr. Gurney.

Q. In the months of November and December last, did you live servant at the Ship at Horseferry-road?

A. Yes.

Q. Do you remember seeing a man of the name of Castle there, shortly before the Spa-fields meeting?

A. Yes.

Q. Did you see him there once, or more than once?

A. Twice.

Q. Do you remember his being there on the Sunday with Windemude?

A. Yes.

Q. Was any other person in company with him?

A. One person.

Q. Do you think you should know that person again?

A. No.

Q. Did Castle give you any ribbon?

A. Yes.

Q. Have you any of it there?

A. Yes [*producing it.*]

Lord Ellenborough. It is the same sort of tri-coloured ribbon, green, white, and red.

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Mr. Gurney. Have you the ribbon that was found in the waggon, I wish to see whether they were alike?

Mr. Justice Bayley. Is it proved to have been found in the waggon?

Mr. Gurney. [*to Windemude*] When you found the things in the waggon, was that piece of ribbon there too?

A. No.

Q. Where did you get it?

A. That is the piece of ribbon, to the best of my knowledge, that was given to Mr. Wheatley's servant.

Mr. Gurney. [*to Gillmor*] Did you receive that ribbon from Windemude's house?

A. Yes.

Q. [*To Yeomans*] Where did you receive it from?

A. From Windemude.

Thomas Stacy sworn.

Examined by Mr. Richardson.

Q. Do you live in Queen-street, Camden Town?

A. Yes.

Q. Where is your shop?

A. Charlotte-street, Portland-place.

Q. Do you remember a man of the name of Castle buying from you any sabres?

A. Yes.

Q. Do you remember the time of the second Spa-fields meeting?

A. Yes.

Q. Was it before that time?

A. Yes.

Q. How long before?

A. I think it was not a week before, when he took them away; he took a sabre and a dirk away.

Q. He bought them from you, and carried them away?

A. Yes.

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Cross-examined by Mr. Serjeant Copley.

Q. Did you know this man?

A. Yes.

Q. You had known him before?

A. Yes.

George Flint sworn.

Examined by Mr. Richardson.

Q. You are a pawnbroker?

A. I am.

Q. Where is your shop?

A. At No. 89, Edgware-road.

Q. Do you remember selling any pistols to a man of the name of Castle?

A. I do.

Q. One pair, or two pair?

A. I sold him but one pair; but I took the money for two pair.

Q. When he first came, did he bargain with you?

A. No, he did not; he bargained with my servant.

Q. The second time he came, did you see him?

A. I did.

Q. The second time that he came, did he take away a pair of pistols?

A. He took away the first pair that he purchased.

Q. How much did he pay you?

A. I cannot say that; it was the remainder of the purchase money; he paid eighteen shillings for them; something had been paid before, and he completed his purchase and took them away.

Q. Did he bargain with you then for a second pair?

A. He did.

Q. And pay you part of the purchase money for the second pair?

A. He did.

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Q. Did he afterwards complete that purchase, and take away the second pair?

A. On the Saturday morning he purchased the first pair; he came in the evening and paid for them, and then he wanted me to keep the others till Sunday morning. I told him it was not my custom to serve on a Sunday morning; but for the purpose he wanted them, I thought it improper to refuse it, and therefore I let him have them on the Sunday morning.

Q. This was just before the Spa-fields meeting?

A. It was on the 30th of November, and Sunday morning was the first of December.

A Juryman. What was the purpose he said he wanted them for?

A. On the Saturday evening, when I went to the shop, (I was not in the shop when he came,) my servant came to tell me ——

Lord Ellenborough. What signifies this story.

A Juryman. What did he say he wanted them for?

A. He said he was a Bow-street patrole, and expecting a disturbance on Monday, they were ordered by the magistrates to provide themselves with arms to protect themselves; therefore I thought it was proper he should have them.

William Mills sworn.

Examined by Mr. Gurney.

Q. Are you foreman to Mr. Parker, a gunsmith in Holborn?

A. I am.

Q. Were you in November and December last?

A. I was.

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Mr. Gurney. Will you shew this gentleman the pair of pistols produced by Stephens as found upon Hooper. [*They were produced and inspected by the Witness.*] In the month of November last did you sell those pistols?

A. I did.

Q. To whom.

A. To a young man who gave me his name as Watson.

Q. What address did he give you?

A. Hyde-street.

Q. Did that same person come again the same day?

A. He did, in the course of half an hour.

Q. Did he buy any more of you?

A. He bought two more.

Mr. Gurney. Have the goodness to shew him the pistol with which Mr. Platt was shot. [*It was shewn to the Witness.*] Is that one of the two you sold him the second time he came?

A. This was one of the four pistols I sold, but I cannot distinctly say whether it was one of the first or the last pair.

Q. Then you have seen here three of the four you sold to that person?

A. I have.

Mr. Gurney. Now shew him the pistol found upon old Watson, by Miell, at Highgate. [*It was shewn to the Witness.*] Is that the fourth?

A. This is the fourth pistol.

Mr. Attorney General. That is my case, my Lord.

MR. WETHERELL.

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MR. WETHERELL.

May it please your Lordships,

Gentlemen of the Jury,

We are now arrived at the middle of the fifth day in the Trial of an Indictment for Treason of the most extraordinary description which ever occurred in this country; of such a description, that I cannot fail to say, I am confident we shall never see another of the same, a trial which, in the mere statement and narrative of the facts and circumstances composing the imputed crime, has run out into length absolutely unexampled. A trial founded upon a Record, which has no precedent in the Crown Office of His Majesty; a Record, which presents not one or two strong and clear facts leading to one or two clear results and deductions of the law, but which contains, as you will perceive from what I am now spreading out before you, a *volume* of small facts and circumstances, out of which is to be laboriously wrought, and as I contend illegally wrought, a conclusion of *constructive and accumulative treason*; a Record, (for I will state what I think of it) which the law officers of the Crown ought not to have put upon the file of the Court; a Record, in its form so new, and so unprecedented, that His Majesty's Attorney General in his opening, as I understood him, seemed to me at least, to think it improper; for unless I have mistaken his language, he seemed to allow that several of the treasons alledged, need not have been introduced upon the face of it; I do not say in terms that admission was made, but it was virtually and in substance made.

Gentlemen, upon this Indictment, the unhappy man standing at the bar is accused of four distinct treasons; he

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is accused first of compassing and imagining the death of the King, a treason which you well know in its direct import and definition, consists in the contemplation of assassinating or murdering or doing harm to the natural person of the King; he is accused, secondly, of a treason which in its nature and constitution may exist without the direct contemplation of personal harm or injury to the Sovereign, namely, the treason of compassing and imagining to depose the King from his imperial Crown, a treason which, however, involves in itself in point of law, as a necessary or presumable consequence, an intention to destroy the natural person of the King; he is accused, thirdly, of the treason of actually levying and making war against the King, in order by force to subvert the government of the realm and depose the King; and fourthly, he is accused of intending and conspiring to levy war against the King, in order by force and restraint to compel him to change his measures and counsels. These are the four treasons which are imputed to this unhappy man.

Gentlemen, before I introduce to your notice any arguments, founded upon the particular facts of this case, or upon the law of it, I cannot but entreat your earnest attention to a remark I am about to offer to you, made by one of the most learned and eminent, pious and respected judges that ever sat on the bench, Mr. Justice Foster; a remark which I did not know, at the outset of this case, I should have occasion to mention, but which the progress of it has rendered it absolutely essential to allude to, not perhaps with reference so much to the case of this unfortunate man, as to the life of every gentleman and of every individual in His Majesty's dominions. That learned Judge, after composing his treatise on the law of treason, containing maxims no man has questioned, and doctrines which every man must look to as the sacred text of the law, prefixed a preface, in which he recommended his

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book to be read, not from vanity, in supposing his own dissertation to be particularly valuable, but from a regard to the interests, the lives, and safety of the public. He recommended it for a reason which must already have excited your attention, and which will be very strongly exemplified before your verdict is given in this case, for you, and every one in this court, will by-and-by be satisfied that no man ever pronounced a more important truth than Mr. Justice Foster did, when he made the observations I am about to read to you. He says, "The learning "touching these subjects is a matter of great and universal "concernment. It merits, for reasons too obvious to be en- "larged on, the attention of every man living; for no rank, "no elevation of life, and let me add, no conduct, however "circumspect soever, ought to tempt a reasonable man to con- "clude that these enquiries do not possibly concern him. A "moment's cool reflection on the utter instability of human "affairs, and the numberless unforeseen events which a day "may bring forth, will be sufficient to guard any man, con- "scious of his own infirmities, against a delusion of this "kind." Now, Gentlemen, if you will recollect who is the principal, I should say the only witness we have had to deal with in this case, a man of the name of Castle; if you will recollect what he is proved to have done in the course of this trial; if you will recollect for whom he is a witness, from what place he comes, what he has before been, and what he now is; if you will give me credit here for what I shall by-and-by prove to you he has attempted to do, in order to involve Mr. Hunt, you will be satisfied that the life of no man in this kingdom is safe, that no man can be half circumspect enough on the subject of treason; I should almost say, that no man can be safe, unless by throwing round himself a circumvallation of incessant care and vigilance, which will become absolutely necessary to protect him from the presence, or even the approach of

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every person whose character may be in the slightest degree liable to suspicion, and who could by possibility be a witness against him, as to any one thing which he may do, or any one word which he may speak.

Gentlemen, I have stated this remark to you, for the purpose of recommending it to your attention as a general and leading principle, ever to be kept in view in conducting your judgments to a proper conclusion upon the subject of the evidence that runs throughout the whole of these transactions. You will hereafter have to consider, whether Mr. Castle is not the man who has made these persons his dupes; whether he has not alone invented, and organized and framed the whole of the proposed proceedings, which he represents were moulded into a system of conspiracy; whether, upon every fair and rational presumption upon the subject, he is not the father and author of the whole of these transactions, forming an ideal conspiracy for purposes of his own.

But, Gentlemen, I will not, at the outset of the case, go more at large into that result, which I shall in the sequel contend for with reference to the question, whether these men were equally participating with Mr. Castle in any credible conspiracy, or whether what you have heard is not to be considered as the plan of Castle alone, by his fraud and contrivance imputed to the persons against whom he is now a witness. I will not pretend to come to the result of the whole, till I have travelled through the preliminary parts of the case. I will, however, here say in the outset, that unless I am mistaken, I shall be able to prove it to you, and to make it absolute demonstration to your judgment, that if the treasonable conspiracy, which rests upon the assertion of Castle alone, did really exist, it has been only by an accident, by the merest chance, as it were, that Mr. Hunt, whose name is so familiar to you and to the public, has not been drawn by this man into such a situ-

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sion, as that he would be now at the bar of this court an imputed co-conspirator with the unfortunate person whose trial is now proceeding. I will say, by anticipation, what no man who hears me will for one moment doubt of, that an artifice, most designed and diabolical, was attempted by this man to draw in and intermix Mr. Hunt as a party apparently partaking in the transactions of the 2d of December, and so to involve him, as that he would infallibly have been standing here to-day, to pass through the cold sweat of being tried for his life as an arraigned traitor.

Now, Gentlemen, I must own that my main object in rising to address you, has rather led me to bring under your consideration, propositions connected with the law of the case, than to enter into any elaborate and minute review of the circumstances which compose the detail of it, because I am perfectly well convinced that the attention you have bestowed on the evidence, in the course of its progress, has stamped upon your memory, and placed under your view, every fact and circumstance, and all their combinations, with an arrangement and method infinitely more accurate than they could derive from any representation of mine; indeed, I feel confident that any detail of the facts, if I were to trace them, would rather derange than place them in better order: it is for that reason that wherever I shall, in the course of this discussion allude to the facts, it will be rather for the purpose of endeavouring to collect some general result than to trace the circumstances which lead to that result.

Gentlemen, I shall therefore first take the liberty to call your attention to what I conceive to be the law of England, as arising out of the facts which now stand in evidence before you.

Gentlemen, I allow it to be a clear proposition in law—a proposition which I do not mean to question at all—a proposition, the principle of which cannot now be doubted,

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that an intention to do bodily harm or injury to the Sovereign, is as much treason as to compass his death. An intention to imprison or seize the person, or to impose restraint on the person of the King, is equally treason, as if the precise object of the dissolution of his person were made out. It will be understood, therefore, that I make the fullest admissions as to the legal definition of any treason levelled against the natural person of His Majesty.

We must next enquire into the fact of the treasonable intention, for the question of intention is a question of *fact*. We must, therefore, enquire whether, in point of fact, the design or project of the personal destruction of the Sovereign, or of any violence against his person, was or was not in reality contemplated. Now, Gentlemen, when we recollect His Majesty's years—when we recollect that after the long and illustrious reign of His Majesty, it has pleased that Providence, whose dispensations of grandeur are often mixed with dispensations of misfortune—when we recollect that, at the age of eighty years, after a life of unexampled public and private virtue, His Majesty is no longer able to carry on, by his own agency, the administration of the affairs of this great Empire, human nature has interposed a bar to the existence of such a contemplation or design; for notwithstanding the crimes and enormities with which mankind is too much blotted, yet there are limits even to these; and I think no one will deny to me this proposition, that it is not within humanity itself that any person could entertain the project of violence to the sacred person and grey hairs of the King. Gentlemen, I might add here, that considering the lamented situation in which it has pleased God that His Majesty should be placed, a treason of this description is so puerile, with reference to any practical consequences to be derived from it, as again to repel the possibility that such an idea could enter the mind of any man; for we must

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bear in mind, that His Royal Highness The Prince Regent has been many years in possession of the government. If I am to argue seriously this point of compassing the King's death, I would ask, any one would ask the conspirator, what is your object in attempting personal violence upon the Sovereign, when the government is not actually in the hands of the Sovereign—in legal contemplation it resides in him, but, in fact, it is carried on by His Royal Highness The Prince Regent. Gentlemen, following up this notion of personal malignity against the King, I must add, that in the course of four days evidence, there has not been brought home to this unfortunate man, nor indeed to any of the other prisoners, the slightest, the remotest word or expression of bad feeling, either against the august Sovereign himself, or against the Prince Regent, or against any member of his august House; for in the numerous meetings, in the numerous conversations, in all that mass of facts and circumstances, the developement of which has occupied four whole days; not only nothing tending to the denial of the authority and dignity of the Royal House which reigns over us has been imputed to the prisoner, but nothing even of contumely or disrespect of language. I must impress this on your minds, for it is the fair result of the evidence. In the prisoner, or his associates, there is not upon any occasion apparent, a tendency or disposition to disloyal principles. Upon one occasion indeed, an infamous toast was given, too infamous for me to repeat, I mean the toast given at the tavern at Bouverie-street. But by whom was that toast given? by the seducer Castle; and when you have heard Mr. Hunt's account of what passed at the tavern, you will entertain no doubt that he was the intended victim of his contrivance.

Gentlemen, having called your attention to the nature of the first treason, I shall dismiss it without troubling you

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further than by saying, that if it be put on the record for the purpose of alleging that the conspirators intended to overthrow the whole government, which treason I allow carries with it, as a legal presumption, the death of the Sovereign, I have no objection to the introduction of it; but if it be introduced for the purpose of raising the proposition, in point of fact, that harm and destruction was intended to the *natural person* of the King, in the direct and immediate sense of the expression, I will content myself with applying to it no other argument or refutation, than to designate it as a *perfect puerility*.

Now, Gentlemen, I shall take the liberty to call your attention next to the second treason stated upon this record; it is that of compassing and imagining to depose the King from his kingly office and his kingly dignity. Gentlemen, that is a treason which, dropping for a moment the accuracy and precision of legal phrase, imports that the actors in it propose to overthrow the government, and to demolish the constitution.

Now it is clear and undoubted law, that conspiring to depose the King is a treason under the ancient statute of Edward the Third. The Attorney General, as I understood him, said, that the treason stated in the second count, which is that of conspiring to depose the King, and the treason stated in the fourth count, which is that of conspiring to levy war against the King, by force and constraint to compel him to change his measures and counsels, seemed to be pretty much the same as the treason stated in the first count. I cannot agree to that law. A statute was made in the year 1795, for the purpose of enlarging the statute of Edward, and of creating treasons which were not spoke before. By the ancient statute of Edward, the mere conspiring to levy war, in order to compel a change of measures, I apprehend, would not have been treason. By the Act of 1795, a new treason is made, namely, that of com-

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spiring to levy war, in order to intimidate or over-awe the Parliament. It is also made a treason, by this modern Act, to *conspire* to levy war against the King, in order to compel him to change his measures and counsels. Now, I will not stop to enquire whether the treason alleged in the fourth count could or could not exist under the statute of Edward, or whether the statute of 1795 has or has not varied the law and the rule of the ancient statute upon that subject; undoubtedly such a conspiracy would be treason now. I concur, therefore, in the law as it is stated now to exist; though I must say, the very statement of the Attorney General, in which he said the second and fourth treasons were much the same as compassing the King's death, appeared to me to lead to the conclusion, that they were unnecessary allegations; and therefore I ask, why are they inserted in the indictment? Most assuredly it is a maxim of law and of fact, that to conspire the destruction of the government, is to compass the death of the King, the personal destruction of the Sovereign being involved in the destruction of his government; why, then, have the framers of this record multiplied their charges? The Attorney General has stated to us, that the ground on which he proceeds here, is the ground, that they intended to overthrow, by one general revolution, the whole state, government and constitution. If this be so, why has not the record confined itself to the first treason? why go further?

Gentlemen, I have called your attention to these preliminary remarks, because in this variety of treasons you might be led to suppose that there was something of so very peculiar a description in this case, that the peculiarity of it required a multiplication of charges, in order that a treason might some how be complicated from the whole taken together. But such a principle cannot exist in law. It is not enough to have something of one treason,

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something of a second, something of a third, and something of a fourth; this mixture cannot be permitted; this, you well know, would be accumulative treason; you must therefore look at these four charges distinctly, individually, and substantively; and some one of them must be pointedly made out.

Gentlemen, I entertain a pretty strong conjecture that these four treasons have been imputed, because the crown lawyers were conscious they could not maintain their case upon any one of them separately. The crown lawyers have therefore, skilfully enough, put in four treasons, in order to perplex the subject, and to obtain by confusion what they could not obtain by distinctness and precision.

Gentlemen, I do not wish to enter here into a legal disquisition, which would take up a great deal of time, whether the fourth treason did exist under the statute of Edward III. I beg leave, however, to enter my protest against that proposition; and I have Lord Hale's authority, and many other authorities, to shew, that a mere conspiracy, or agreement to levy what is termed *constructive war*, that is, war not having in view any restraint or violence against the person of the King, is not a treason within the ancient statute. But it is not worth while to pursue this point further; for the allegation is expressed generally under the statute which means both statutes. I only advert to the opening of the Attorney General: it is not so much my argument to complain that the second and fourth treasons have found their way into the indictment, as to remind you that it has been admitted they were unnecessary.

Now, Gentlemen, having called your attention to this short analysis of the first, second, and fourth treasons stated upon the record, you will next allow me to call your attention to the facts which ought to be applied to them. You must have evidence, by which you are to be satisfied,

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that there has been a plan or conspiracy to put the King to death, or to overthrow the whole government, or some conspiracy or plan to depose the King from his kingly office; or you must be satisfied that there has been some some conspiracy or plan to levy war to compel the King by force to change his measures.

Now, Gentlemen, I should have thought that the only feature in this case, which could possibly require examination—I should have said, that the only treason, the supposed existence of which could deserve attention was, the third treason stated in the indictment, namely, that of having actually levied war; that is, whether the outrages and violences committed on the 2d of December did or did not, in point of fact and in point of law, satisfy the definition of *levying war*, according to the principle of the ancient statute of Edward the Third. I may be wrong in that; it is, however, my opinion. I cannot bring my own mind to delude itself with the idea of a conspiracy to kill the King or to depose him from his kingly office, or to subvert and destroy the constitution and the government. I say, of all this bulk and mass of conspiracy to overthrow the state, there exists not, as I insist, as I submit it to your veracity and honour as Gentlemen, to your oaths, to your collective and individual discernment as jurymen, there exists not one fact nor the semblance of a fact to make it a colourable case. There is not even a fact which any man would desire to have gravely argued before him. Why do I say that? because the persons who compose the conspiracy are men whose situations in life, as it strikes my poor judgment, is such, that they are not exactly the sort of persons to make a new constitution for us. Well, but we have had evidence, nay, written evidence, that they meant to put up a new government; there is the miserable scrap of paper, the C. P. S. described by the conspirator Castle. This, I suppose, is to be called

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a skeleton of a new government. Gentlemen, you recollect, as we all do, the state of this country, the state of political parties amongst us during the early parts of the French revolution, and the transactions which led to the trials at the Old Bailey in the year 1794. There did indeed then exist the notion of overthrowing the existing constitution, in order to place a new one in the room of it. The treason then imputed was, that Tooke and Hardy, and the societies with whom they were connected, had formed a plan to subvert the government by calling a convention of the people, which was to usurp the functions of the legislature, to demolish the entire fabric of the constitution, and to substitute a republic. I need not do more than call your attention to the contrast between that case and the present. There existed then a party in this country too much disposed to think, that the Convention of France was a better thing than the Parliament of England; and some persons from folly and levity, some from heat, some from speculation, some from malignity, were led to countenance the idea that such a change would ameliorate the condition of the people. The great empire of France had been prostrated by the Jacobin clubs. The whole of that country was carved out into 44,000 societies. There was an avowed attempt at that time in England to erect a system of affiliated societies precisely on the same model; and I believe I am credibly informed, when I say, that the persons who were actually registered, or who composed the societies here, amounted to little short of 300,000 persons, who were intimately connected together; they had their private committees and their public committees, and their connexion and association was so close, that a communication as quick as the course of the post would enable them to act simultaneously. Such a class of persons already possessed great physical strength, and their instruments and means of assistance were well adapted to

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enable them to raise the population *en masse*, and to establish a convention of the people to overrule and demolish the existing government of the country. I do not stop to enquire whether the plan to call a convention of the people was well or ill imputed to these societies. The result you know, but I call your attention to the nature and species of the plan itself. It was a practicable plan; it might well subsist. It was accompanied with instrumentality to carry it into effect. Such a plan had been carried into effect in France.

But that is not all. In 1792 and 1793, the societies which were so hostile to the State, were not only a complete system of association—not only were they in numbers formidable; but they carried on a close and intimate correspondence with the Convention of France, and were even more formidable in their alliance with the Jacobins than by their own numbers. So formidable had this system become, as you will recollect, that after the issue of the State Trials in 1794, the Legislature was obliged to interfere, and those societies were put down and abolished by an Act of Parliament, and it was made penal for their members to meet. Now here was indeed a body having efficiency for their object. Looking back to those times, one might believe the existence of an extensive internal organized plan hostile to the government, and the readiness of an inveterate foe to give it support. None of us can forget the memorable decree of the French Assembly, in November 1792, by which they proclaimed rebellion to every country in Europe, and promised their assistance to universal revolt. Going back to the year 1792, you might perceive both external and internal means commensurate with a revolution.

Gentlemen, would it not be a waste of time to pursue the contrast, between those times and the present; and to argue, whether an association of persons consisting of two

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broken-down apothecaries, a broken-down gentleman, and two cobblers, unconnected with any society in any part of England, while we are at peace with all the world; whether these five solitary persons could entertain the project of a revolution and complete subversion of the government; for nothing short of this has been ascribed to them by the opening of the Attorney General. A revolution, I have always understood, must consist of two parts; of a demolition of the government that is, and the substitution of another that is to be. Now when I look at this charge, I say the statement of the charge is repelled by the statement of the fact; and I must own, therefore, that in my view of the subject, I cannot reason upon it.

Gentlemen, in the course of his opening, the Attorney General alluded to the Spenceans; and my learned friend who sits at the end of the seat, with that dexterity he has in putting questions, slipped in a little about the Spenceans. They are a set of persons whose pamphlets I have read and am well acquainted with; they have most strange and singular notions as to landed property; but if the Attorney General seriously meant to state, that the prisoner at the bar or his co-conspirators, have any connexion with Spencean societies, whose principles, or whose powers and numbers, they proposed to call into action to assist them in their revolution, he ought to have proved it, but he has not; and what is more singular, out of the two hundred and thirty persons named in this unexampled list of witnesses for the Crown, no one has been called to state, that one member of any Spencean society had any thing to do with these transactions. I shall say only, that such insinuations, I think, ought not to be made; they are intended to create a suspicion, that these men are leagued with bodies of persons in this country, whose numbers might be of importance.

Gentlemen, I have referred you to the state of the

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country in 1792, and if there are societies of Spenceans, or any other societies on foot now, who mean mischief, why did not the Attorney General prove it? Let us have fair play. Why have we not had evidence that the prisoner is acting in conjunction with those societies, in order that we might have gone into the state of them, and taken your judgment how far they exist, and how far their conduct could be reckoned upon, with reference to the idea of a revolution. I must, therefore, say, that I think all those oblique insinuations about the Spenceans, had nothing to do with the case; and I must repeat it, that they ought not to have been made.

Gentlemen, I must here, also, desire you not to forget the accomplice and witness for the Crown, Mr. Castle; if you advert to his statement you will find, that he has not pretended to say, that the Spenceans were to assist the conspiracy; and, therefore, the prejudice which the opening may have excited, not only is not confirmed by any witness, but I think we may fairly say, that any thing which falsehood and malignity would suggest to any man's mind, could not escape the malignity and falsehood of Castle; and when I remind you, that he has not asserted that they were connected with the Spenceans, I think the fact is indisputable, that they were not. You will recollect, that I put to him several questions, whether he could name any persons whom he had got to attend at Spa-fields—whether he had a private list of persons who were likely to take a part with them, and become co-actors in the common conspiracy—no, not the name of one man, could he mention to be added to the list. Therefore, its numbers begin and end with five solitary persons; though I should not omit to mention, that, in addition to the two cobblers, against whom the bill is found, there was a journeyman tailor, against whom the bill was not found; to them, and to them simply and literally, belongs the whole plot, if there

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be a plot, or the plan, if there be a plan, of subverting the constitution, and substituting another.

Gentlemen, with respect to the third treason, the conspiracy to levy war against the King, in order, by force, to compel him to change his measures, the Attorney General stated in his opening, that it followed the fate of the first and second; consequently, it is unnecessary here, that I should say any thing upon it particularly; I pass it by, therefore, under a protest, however, according to my humble opinion, that such a treason was not assignable under the statute of Edward, but has been newly introduced by the statute of 1795.

Gentlemen, I do assure you, that if I thought it possible that I ought to enter further into a contrast between the state of things in the year 1792 and the state of things now—if I did not conceive it to be a contrast, which a reflecting man would think it offensive to have argued, I would enter into it more in detail; but I will not suppose, and I should be unpardonable if I did suppose, that your discernment, and the light of your understanding, and the reasoning powers of your own minds, would not enable you better to draw any comparison than I could attempt to do. Your station and condition in life, your education and your experience, give you the means and facilities of taking a complete and comprehensive view of such a subject, in all its bearings. And I hope, not presumptuously, to assume it to be a waste of time to dwell longer on this miserable conspiracy for the political overthrow of the whole State, which embraces the treasons imputed in the first, second, and fourth counts of this indictment. But I cannot leave this conspiracy, of five insulated individuals, named in this record, without desiring you to recollect who the sixth is, who is not named in it; he is omitted in order that he might earn blood-money, by sacrificing others—earning money by the sacrifice of those whom he

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world history, is the common trade of this man,—his associates are to be dragged on hurdles, to suffer death for treason, and he is to get the price of their blood.

Gentlemen, I shall proceed now to call your attention to the only charge which, in my humble judgment, can deserve to be the subject of a serious discussion; I mean, the treason which consists in *levying war against the King*—a treason which, I readily allow, may be materially connected, in its principle and its object, with the treasons mentioned in the other three counts.

Gentlemen, before I advert to the facts of the case as they relate to this part of the subject, it is material that I should call your attention most particularly to the statute of Edward, and to the authorities of learned and eminent writers, in order that you may have a clear, distinct and precise definition of this species of treason. You will observe, Gentlemen, that the language of the law upon the subject of levying war is this;—it is not levying war, but it is levying war *against the King*. The treason does not consist in the existence of force, but it means force *applied against the King*. I will read to you the clause of the statute of Edward the Third, which is the law itself. It is expressed thus:—"If a man do levy war *against our Lord the King*, in his realm." I will next read to you the commentary of Lord Hale. He says, to make a treason within this clause of the statute, there must be three things concurring. First, it must be a "a levying of war;" secondly, it must be a levying of war "*against the King*;" thirdly, it must be within the realm. The definition, therefore, Gentlemen, you will observe consists of two component parts; it is not levying of war *alone*, but it is levying war "*against the King*." The question then which we must keep in view is, what is levying war *against the King*? Gentlemen, another thing I must here superadd and press upon your attention, which is, that the question, what is

levying war against the King, is entirely a question of fact, and that the highest authorities have allowed it to be a question of fact, exclusively belonging to the cognizance and opinion of a jury; indeed the very statement of the proposition shows that it must be a question of fact, because the law cannot settle *a priori* what force shall be a levying war against the King, it must depend upon the facts and circumstances, and upon a relative view of each particular case. It must always remain a matter of fact, because the raising of force, the applying of force, and every thing which is connected with it, are in their nature matters of fact; and, consequently, it would be absurd in the law to lay down any general rule, in order to constitute this species of treason. Gentlemen, I do not state this important principle upon my own authority, which is nothing, but upon the high authority of Lord Hale, whose language I will read to you. He says "for the first of these the Act saith levy war: what shall be said a levying of war is in truth a *question of fact*, and requires many circumstances to give it that denomination which may be difficult to enumerate or to define." Gentlemen, your own discernment will show you how impossible it is that the law should define generally what should be called war, or should say that twenty men, or thirty men, or a hundred men, with arms, should constitute a levying war against the King; a definition absurd in the very idea. No, it is a complex fact, varying with each case; it is under what circumstances the force is levied; it is of what amount and magnitude it consists; it is the *use and destination of the force*, which must, in each particular case, constitute the question of fact, what is the levying war against the King.

Gentlemen, it has certainly been laid down, and I allow it to be clear law, that levying war against the King need not be force directed against the *person* of the King. I am perfectly ready to admit that several decisions have

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established the rule, that there may be what is termed a "*constructive levying of war*;" by which is meant, that the power or authority of the State is attempted to be taken out of the hands of the King and usurped by force in defiance to the Crown: this makes a constructive levying of war; several of those cases have been stated by the Attorney General, the enumeration of which I do not dispute. For instance, it was decided by a great authority, Lord Chief Justice Holt, in the trials of Damaree and Purchase, that a popular rising to destroy all meeting-houses was a levying war against the Crown. This happened in the year 1709, in the reign of Queen Anne. It was an insurrection in London, when the meeting-houses of the Protestant Dissenters were burnt down. There was a levying war against the King; not indeed a force levelled against his natural person, for I allow that is not necessary; but a force exerted in order to compel the King and the government to surrender a public law. It was one of the laws of England, introduced at the Revolution, as it ought ever to be, that there should be a system of toleration; consequently, if a set of men rise up and say there shall not be religious worship in meeting-houses, there shall not be an Act of Parliament allowing toleration; here is a constructive levying war to compel a surrender of that law into their hands. It was, therefore, as Lord Mansfield expresses the same principle in Lord George Gordon's case, treason against the *majesty* of the King; treason to compel the King to deliver up one of his laws to an insurgent force. You will, however, observe in the example I have just mentioned, that two things concurred; first, there was a regular conspiracy or agreement proved, to burn down all the meeting-houses in London; and, secondly, the populace did actually proceed to burn them down.

Gentlemen, having explained to you one example of this species of constructive levying of war, the others may

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be understood by the same principle. A conspiracy to throw down all enclosures in the country is, in effect, to say there should be no private property in land. Perhaps, I cannot do better than read to you the rule of law, as laid down by Lord Mansfield, in Lord George Gordon's case, where he says, "There are two kinds of levying war, one against the person of the King; to imprison, to dethrone, or to kill him, or to make him change measures, or remove counsellors; the other, which is said to be levied against the *majesty* of the King, or in other words, against him in his *regal capacity*; as when a multitude rise, and assemble to attain by force and violence any object of a general public nature; that is levying war against the majesty of the King, and must reasonably be so held, because it tends to dissolve all the bonds of society, to destroy property, and to overturn government."

Gentlemen, I do not know whether it be necessary that I should detail all the examples which have occurred of this constructive levying of war. They are by no means numerous; there are not more than five or six before the Revolution. The first that is to be met with happened in the reign of Henry VIII. when Lord Coke was Attorney General; it was an insurrection for the purpose of enhancing and fixing a public rate of wages. The next case happened in the time of Queen Elizabeth; it was an armed force, for the purpose of throwing down all enclosures. In the reign of King Charles the First, there was Benstead's case, which was a rising to destroy the person of Laud, the archbishop of Canterbury, for having advised the King to dissolve the parliament; this case I shall by-and-by more particularly notice. In a case in the time of Charles the Second, it was held that a destruction of all brothels, with an armed force, came within this description. In another case, in the same reign, the breaking open gaols, and the

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release of all prisoners, was held to come within the same rule. After the Revolution came the case of Damaree and Purchase, in 1709, when the meeting-houses in London were destroyed. I will not presume to question any principle which has been laid down by learned and enlightened judges. Now I have made, I think, every admission I am bound to make as an advocate and respecter of the law of England, for no considerations of duty to the prisoners will ever induce me here to contend for a larger proposition against the statute of treason, than the law of England enables me to contend for. The power and authority of the government, as founded upon the statute of treasons, I am bound to accede to. I will render to Cæsar what belongs to Cæsar, but not more; I will assign to the statute every thing that belongs to it, but I will deny to it what I think does not belong to it. In this short review I have subscribed to every rule which learned judges have laid down on the subject of constructive treason. No example, that I recollect at present, has occurred in this country since that in the year 1709, under this class of treason, with the exception of Lord George Gordon's case, in which the jury were of opinion that the general facts were not sufficiently made out against him.

Gentlemen, while I am referring to Lord George Gordon's case, I cannot but complain that the treasons are too numerously spread in the indictment against the prisoner. In Lord George Gordon's case, the indictment, instead of occupying a large volume as the present does, was literally comprised in six or eight lines. The charge was that of levying war against the Crown, the questions of law and fact being, whether his attempt to compel the House of Commons to repeal an Act which gave indulgence to the Catholics was levying constructive war; and though I may be wrong in this, it is my opinion that this indictment

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ought not to have been longer, in order that we might come at once to what I conceive to be the only question in this case.

Gentlemen, I need hardly trouble you with additional extracts from other eminent authorities upon this subject. Lord Coke, Lord Hale, and Mr. Justice Foster, express themselves much in the same manner. Lord Hale says, "a war levied against the King is of two sorts:—1st. *Expressly or directly* as raising war against the King, his general or forces; or to surprise or injure the King's person; or to imprison him; or to go to his presence to enforce him to remove any of his ministers or counsellors. 2dly, *Interpretatively or constructively*, as when war is levied to throw down enclosures generally, or to alter religion established by law or the like." The latter branch, you will observe, is precisely the same thing as Lord Mansfield in other terms calls war against the majesty of the King. And I hope it will always continue to be held, that if an insurgent force in the country shall presume in the most distant manner to threaten the State, and require the subjugation of the law in any possible respect to the mob, it shall be treason against the Crown.

Gentlemen, by these principles I am willing that these men should be tried; by this rule let the issue of life and death, as it regards these unhappy men, be decided.

Now having admitted the law, let us see how it applies to the facts of the case: it is a *constructive* treason for men to meet and burn down all meeting-houses, if they do burn them down; it is a constructive treason to meet and throw down enclosures, if they do throw them down; it is a constructive treason for men to meet and throw down all the gaols in the country, if they do so; it is a constructive treason for men to meet and burn down all the brothels in the country, if they do so. The substance of all this is, for men to say there shall be no toleration, no

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protection for property; we will have our own code, we will spoliate the courts of law of their jurisdiction, the course of law shall be destruction and outrage, criminals shall not be tried according to the forms of British law and jurisprudence, we will take punishment into our own hands, we will rob the courts of their superiority, and the King of his regality, and clothe ourselves with the spoils.—Well, I am ready to be bound by the application of all this; but how is it to be applied in the present case. You have heard in this indictment of a conspiracy of these persons to levy war against the King, in order to compel him to change his measures: what measures have they demanded; what is it that they have required; have they done any thing similar to the examples I have put; have they demanded of the King or of the Government, that a given Act of Parliament should be repealed; have they demanded that a law which exists should be abolished, or that a law which does not exist shall be made; have these men clothed themselves with any of those usurpations which I have alluded to; what have they actually done; what have they attempted to do? Therefore, when I state the examples by which I am willing to be bound, I must desire both the principle and the facts to be kept in view, in order to see what comparison can be made with the present case; but if they are kept in view, the facts themselves present a contrast so strong and apparent, that it is impossible to make it stronger or more apparent; I say so, because if I advert to the only witness who has been examined upon the subject—this wretched perjured man, Castle, he has not stated that there was any particular object. What has he pretended to say the conspirators were to do; what demands were they to make on the Government? they were to have a force; they were to have a riot and disturbance; all that I can understand; but what were they to do with it; how was it to be brought

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to bear against the State; how was any one part, or any one principle, or any one branch of the Constitution, to be superseded or suspended? No papers of any sort or description are produced, unless it is that miserable scrap called the C. P. S. and I do not know what it means; I suppose, however, it insinuates that after these six persons had completely overthrown the Empire, they were to surrender it into the hands of twelve or thirteen persons named in that paper. Now it is idle to compare this case with any of the examples I have mentioned; it is almost an affront to say that any of the examples apply. What were these men to do against the *State?* Castle has not ventured to say; he does not know what they were to do; he does not pretend to say what they were to do; and notwithstanding his examination took up nine hours, no man who heard it could possibly collect what the *political* plan was to be, nor what sort of a *government* we were to have. We heard enough of the blockade and barricade of the west end of the town from St. Giles's to Oxford-road, and from thence to Piccadilly: there was to be violence, but he does not tell us that any precise points was to be carried, or any precise thing was to be done; and therefore the insurrection was not to be for a distinct or definite *object*, within the examples I have mentioned.

Gentlemen, I must beg leave to remind you, that the Attorney General begins, by alluding to these cases of insurrection, to carry a particular point; but in the course of his argument, he worked himself up at last to call this a flagrant civil war; such was his expression. Now this is a new view of the subject:—a general insurrection is a very different thing from a particular insurrection. The Attorney General says, the transactions of the 2d of December constituted actual levying war against the King, in the shape of open insurrection and rebellion, or flagrant civil war.

Now let us look at this. I rather think the view I have

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taken of the subject is not quite erroneous; I think the Attorney General's speech, to which I gave every attention, does virtually admit that some of these treasons melt themselves into others; nay more, that these four treasons all melt themselves into the last, of *open insurrection*: So that, I apprehend, it is not meant to say, that there is any *direct evidence*, that the King was to be hurt or deposed from his kingly office, or compelled to change his measures, which are three of the treasons; but the whole comes to this, that the force used was *ipso facto* an *open public insurrection*, and you are to infer and presume all the rest.

Gentlemen, I am myself anxious that your attention should be called to examine most minutely, and most particularly, the whole proceedings of the 2d of December, and that you should give its just weight and value to every circumstance which can, by possibility, come within the description of levying war against the Crown. My defence consists in this very examination.

In the first place, permit me to say, there is one circumstance upon which my feelings are as sore as those of any man can be; there occurred an attempt to assassinate a gentleman in Mr. Beckwith's shop; but the evidence you have heard of Beckwith's clerk takes off some of the supposed malignity of that transaction; and my opinion is, that it was rather accident than malignity that led to it; but, taking this delinquency as high as you like, it is a single and solitary instance of violence. It cannot be allowed to give a *general character* to this public insurrection, and it is in that character only that we must look at it. When we recollect, therefore, that this civil war was so bloodless; when we recollect how these insurgents were completely dissipated and dispersed, I own I should be, individually, disposed to treat that part of the subject rather more lightly than might be consistent with the gravity of a cri-

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minal court. Let us see, however, what the force was, what its means were, and what its acts were: here are men, who set out from Spa-fields; they leave in the waggon their powder and shot; they have two flags and a banner; they have pistols and swords; they propose to go into the City; but, unfortunately, before they get there, this hostile army have the flag-staffs taken from two of the five generals, and that part of the rebel army is routed. Mr. Stafford routs the main division before it leaves the field; the rest penetrate into the City, and there a worthy alderman, Sir James Shaw, alone puts to flight the rest of these insurgents: this is what the Attorney General has worked himself up to calling flagrant civil war. Now I think Sir James Shaw has been very ill treated by the Government: I have not heard that he has been made a peer, or got a pension or a red ribbon; but I should have thought, that some favour might have been shewn him for his eminent services in putting down this rebellion; and particularly because he did it quite alone and without assistance civil or military.

Gentlemen, as I am going through this part of the case, I must request you to attend to a principle of law, which it is very material to keep distinctly in view. I am ready to admit that a case was decided in the reign of Charles the First, the law of which has been always questionable; I mean Benstead's case, which I have already referred to, that was an attack of a mob on Archbishop Laud's palace at Lambeth, for advising the King to dissolve his parliament; they threatened to tear the archbishop to pieces. Mr. Justice Foster does not consider that case to be law; as I should collect from that learned judge's account of it: he says, "it was decided in a season of great agitation," as undoubtedly it was. But I am indifferent whether it be law or not; supposing it, however, to be law, and that it is treason, or evidence of treason, to go and attack the person

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and house of a privy counsellor, in order to compel the King to change his measures; what ministers have these rioters threatened? have they attacked the person of the Lord Mayor, or the magistracy of the city of London? have they offered violence or insult to any magistrate? No—if, therefore, I shall be told, that to attack the person of a privy counsellor of the Crown, is evidence of an insurrection, or one of the modes by which treason may be demonstrated, a principle of which Mr. Justice Foster seems to doubt, as every one must doubt of it, generally speaking, yet I have no objection, in the argument, to concede the principle. I have no objection to advert to such a supposed parallel as that, in order to show how inapplicable it is to the case before us; and I trust you will do me the favour to keep that principle in your view, for the purpose of contrasting it with the whole character of these proceedings.

Gentlemen, I own I am surprised the Lord Mayor has not been called as a witness, if it was a popular insurrection, it was in the City that it broke out; the Bank of England too was to be attacked; the heat and force and pressure of the war were in the city of London, and yet the Lord Mayor is not called as a witness. Gentlemen, why is it that the Lord Mayor is not called; is the Attorney General afraid to call him? he ought to call him——

Mr. Attorney General. Pray do not say that.

Mr. Wetherell. It is only an argument of mine.—If these civil battles were fought any where, it was within the jurisdiction of the Chief Magistrate, and he should have been here to tell us what he saw or knew upon the subject. The evidence of Mr. Alderman Shaw was given in a clear, manly and distinct manner; he represented, that without struggle or force or violence, the flag of the last of these rebel generals was taken, I should almost say put into his hands. The Attorney General afterwards thought it too

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ridiculous to call the Lord Mayor: I can refer it to no other reason; and yet it is to the City that your attention has been directed, to find out this ideal conspiracy, and this ideal extinction of the government.

Gentlemen, we must next advert to a very serious overt act, one of the fourteen charged in the indictment; that is the attack on the Bank. But I really wish to put it just as Castle puts it: the barricade system was to be applied, the entrance to the Bank was to be choaked up by its own books, and the King's troops were to be demolished with glass bottles. Now there is some fancy in this, and it is creditable to the gentlemen who drew the record. But it is description, and nothing else.

Gentlemen, we must now go on to the attack upon the Tower. That is put upon the record, in order to bring into contact, as it were, the application of the force of these insurgents with some fortress of the King, in order to raise an idea that war has been levied against a fortress of the King, which is to be proof and evidence, if the FACT were true, of levying war against the King. Now, Gentlemen, when I look at what has been said on this subject, I think I should not show you the respect that belongs to you, if I were to argue seriously, as a proposition of fact, the conspiring to attack, or the making an attack on the Tower; because, when I throw out of the case the fictions of Castle, to whom I think not the smallest credit can be given on any part of the subject, it is an idea in supposition only that any man will assert there was an intention to attack the Tower. How was the attack to be made? we have no explanation of any sort. How was it to be conducted? let us read the Indictment, and then we shall understand how it was to be. These traitors went down to the Tower, and did, with "*loud voice*, address the King's soldiers then stationed in "the Tower, and did invite them to open the Tower gates,

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"and to admit the traitors withinside."—This is the language of the record; and this is evidence of flagrant civil war. You will recollect, that half the force was cut up in Spa-fields by Mr. Stafford; the rest of the force fainted, if I may use the expression, into the arms of Sir James Shaw; and when the whole was annihilated, some man went down to the Tower, and with *loud voice* summoned it to surrender—not to a rebel army, but to himself alone. Now, if you lay out of the case the infamous perjuries of Castle, you will doubt the fact whether any person was there to summon the Tower; but supposing this idle and contemptible gasconade is to be weighed as a serious fact, do recollect that it is a complete military fortress, with a garrison, cannon, and a ditch sixty yards wide, and walls thirty yards high. Now to say, that a single man, raving against those walls, shall be evidence of a conspiracy to attack it, or of levying war against the Crown, or of civil war and insurrection, is, what I think I ought not as an advocate to enlarge upon. But do see what the whole of this comes to. I own I do not understand the two soldiers to say, that a surrender of the Tower was called for; it was an offer of one hundred guineas, as they say, made to them by some one individual: but supposing I mistake this, supposing it was an address made to these two soldiers for that purpose, will the Crown contradict their own witnesses; will any one pretend to say that the two soldiers are not better evidence than Castle? He has stated to you, that the summons to the Tower was a summons made by Thistlewood and Watson; that he heard Thistlewood and Watson both at the same time haranguing the soldiers, to surrender it into the hands of the mob, and that that address was made to fifty soldiers. Now I want no better evidence than the Crown have themselves adduced by calling the two soldiers, who have completely annihilated the whole account of this man;

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the two soldiers contradict it so completely that they reduce it to a flat perjury; and the falsehood of what Castle has sworn against Thistlewood and Watson was so glaring, and so undoubted upon that occasion, that it seemed to make a deep impression on your minds at the moment, an impression which I have no doubt you still retain.

Gentlemen, the idea of summoning the garrison of the Tower to surrender or open the Tower gates, unless it be connected with *force or the application of force*, is too contemptible to be talked of here; and this charge, therefore, of a conspiracy in order to get possession of the Tower, has just as many facts to support it as the plan for getting possession of the Bank.

Gentlemen, pursuing my review of the main features of the transactions of the 2d of December, I must request you still to keep in view the definition of levying war. I want to find out where *force* was applied against the King; we must have this made out in some of the modes I have mentioned, for otherwise there was no war levied against the King. Now I wish to know what was done in Spa-fields—nothing; speeches from the two Watsons, of which we have had an account from Mr. Dowling, the short-hand writer, who could hear things which other persons could not hear, something which I think he is very ill confirmed in; however, I will suppose these speeches were spoken. Pray was this war levied against the King in Spa-fields? There was indeed a war of words, consisting of the speeches and declamations of the men in the waggon, bad and violent if you like. If the witnesses in general are to be believed, they say they could not hear what passed, from the noise. You have from Mr. Dowling, the expression that the country had been too long ruled by Kings and Lords, and there is no other witness to this but Mr. Dowling, who stood in a situation not to be able to hear it; and I think he is unconfirmed. If these expressions were

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used, I would go along with any man in reprobating such a speech; but force and violence consist in doing something. I cannot find that in Spa-fields any one constable got a broken head; I find that one poor man was pushed down. Then we get into the City; now what was done in the City? Was the Bank attacked? No.—Was the Tower attacked? No.—The Lord Mayor attacked? No.—Was Sir James Shaw attacked? No.—Was Sir Nathaniel Conant attacked? No.—Was the City Marshal attacked? No.——I would allow Beastead's case, in argument, to be good law for a Lord Mayor or a constable. I would allow the idea of the superiority of the State, and the idea of the majesty of the Crown descending to the person of the lowest executive servant of the Crown, and the lowest agent of the magistracy. I would allow this *constructive* idea to be carried to any latitude of imagination. I would allow any person to be a representative of the State, whom fiction would designate in that character. But when I have allowed all this for the purposes of illustration, I want to know how war has been levied against the Crown in the person of any of these characters. If I am told that there were arms, I wish to know whom they were presented against; there was a firing of guns in the air—a war against the atmosphere—a feu-de-joie, as one of the Crown witnesses called it; and I was checked a little the other day for treating that ridiculously which no man of understanding would treat seriously and gravely.

Gentlemen, I have already adverted to the attack on Mr. Platt, and I hope you will do me the justice to believe that I entertain proper feelings on that part of the subject. I am no apologist for that affair; possibly the ideas of malignity which at first struck us on that unfortunate occurrence, may have been in some degree displaced, by considering the whole account which we have heard. With the exception of that gentleman's injury, it is not shewn either

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to have been done or meditated against the person of any man in London.

Gentlemen, there is still another branch of these transactions which is said to be of a very important nature, and which certainly must not be passed over. The gunsmiths shops were broken open, and the mob armed themselves; one shop, was Mr. Beckwith's; and there were I think three others in the Minories. Now speaking of this as a civil outrage, it was a very violent one; you will observe, however, that they break open the houses not to injure the persons of the individuals, but to get arms. Now that this is levying war I deny: I have before stated the definition of levying war, and I request you to bear it in mind—the having arms, or the getting arms, or the arming is not enough. The *use and application* of arms or of force is an essential part of the definition; there must be an application of force to the attainment of some object, or the force must be coupled with some object or design. I should say, that if three hundred men marched along the streets with arms, unless that array is *coupled* with some treasonable *object or design*, the mere array itself would not be evidence of a treasonable conspiracy or design, though it would be a flagrant indignity to the State, and as gross a misdemeanor as could be imagined. The breaking open these shops, therefore, as the means of getting arms, does not carry the fact or the evidence of the *destination* of those arms against the King any further. The fact whether those arms were or were not treasonably applied after they were got, remains just the same.

As far as the mere outrage is concerned of breaking open the shops, it is a violence merely of a civil or private nature, and has no relation to the Crown or the State. And I am perfectly certain, that no individual or private acts of violence of that sort, can by any fiction, or upon any principle, or upon the authority or dictum of any lawyer, be

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represented as evidence of treason, or as a criterion of the *use and application* of force as against the Crown, in order to satisfy the notion of levying war against the King.

Gentlemen, I have now gone through the principal occurrences of the 2d December, in order that you might apply them in every possible way, and bring them within any of the principles I have mentioned of war levied against the King, personally or constructively and interpretatively. Force, as force, unless applied actively and instrumentally in some of the modes I have mentioned, never was treason, according to the statute of Edward, and never can be consistently with the rules of the law of England.

Now, Gentlemen, where is this civil war; where did it begin? In Spa-fields; what was done there? In the City; what was done there? At the Tower; what was done there? Where was this force brought into action; can you find it out; can any man find it out?

Gentlemen, the Attorney General, at the close of his address, called on me to explain these transactions, and I understood him to say, "If you cannot, I shall conclude this is to be levying war against the Crown; you must explain what you mean, otherwise my construction will be adopted. I choose to call this a civil war and insurrection. I choose to say, that these disturbances constitute an attack upon the King, or constitute an attack upon the State; and unless you can satisfy me what you meant by these disturbances, I shall infer a treason." Now I think that was pretty much the substance of the argument; but I beg leave to say, I deny that to be the law. If you ask me privately what these men meant, you will give me credit for returning a fair answer; I could not dispute they meant to make a riot, and a very great riot. Out of this Court, I might say what I thought on it; but in this Court, I am obliged to say nothing about it.

Gentlemen, I must state to you, upon the authority of

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Lord Coke, that proof little short of demonstration is absolutely necessary to establish a charge of high treason. He has given a commentary on the clause in the statute of Edward, which requires that the party accused "be "provably attainted by open deed, by men of his condition." I will read to you the commentary; he says: "In this branch, four things are to observed; first, this "word provably, that is, upon direct and manifest proof, "not upon conjectural presumptions, or inferences, or "strainies of wit, but upon good and sufficient proof. And "herein the adverb provably, hath a great force, and sig- "nifieth a direct and plain proof, which word the King, "the Lords, and Commons in Parliament, did use; for that "the offence was so heinous, and was so heavily and se- "verely punished, as none other the like; and therefore "the offender must provably be attainted, which words are "as forcible, as upon direct and manifest proof.—Note, the "word is not probably, for then *commune argumentum* "might have served, but the word is provably, be "attainted."

Then he goes on to explain the meaning of the words, open deed; and he says, "this doth also strengthen the former "exposition of the word, provably, that it must be provably "by an open act, which must be manifestly proved:" here you have the words, manifest proof, direct and plain proof, and provably by open deed.—Now, says the Attorney General, here has been a great outrage: tell me what you mean by this; and if you do not satisfy me what you mean, I shall conclude you meant to kill the King and overturn the state.—I deny that to be law; I oppose to it the authority of my Lord Coke.—Says the Attorney General, I will infer and conjecture, you meant by all this to overturn the state.—Now, what is the evidence about overturning the state? what is the evidence of intention to kill the King? what is the evidence of the new government we

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were to have; what is the evidence of compelling the repeal of a law, or the change of any measure of the government? Is there evidence of any of these purposes, or to connect force with those purposes? No.—But, says the Attorney General, unless you can explain what you were about, I shall infer all this.—Now if this be the rule of evidence, what becomes of the language of the statute which says, "that a man shall be *provably attainted?*" what becomes of Lord Coke's definition of OPEN DEEDS and PROOFS? Have we manifest proof; manifest proof of what? what is it that they have done? what did they attempt to do? what did they say they would do? what has any verbal evidence ascribed to them that they meant to do, or written evidence?—But, says the Attorney General, I shall conjecture this; that by arms you meant to overturn the state; and the outrages in the City are sufficient for all this.—Now, if this be so, the evidence of open deeds and proofs is no longer necessary; and all the cases are no longer law, for all the cases of constructive levying of war require some distinct thing to be proposed to be done, and actually to be done. It is not levying war against the King, to intend to burn down meeting-houses, but to do it is; it is no levying war against the King, to intend to burn down houses of ill-fame, but to do it is; it is no levying war against the King, to intend to throw down all inclosures, but to do it is. The intention, followed by the fact, is evidence of the levying war. But what has been actually done here; I want to find out some act of force or aggression upon *the state*, as evidence of a conspiracy to overturn the *state*. I want to find out the attack upon the *state*, because I am told, that war has been levied against the *state*.

Gentlemen, upon this part of the subject I feel that here I ought not to trespass longer on your time; because, having extracted all the cases from the State Trials, I have before given you an enumeration of them, as they occur in

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the reigns of Henry the Eighth, Charles the First, Charles the Second, Queen Anne, and so down to Lord George Gordon's case, in order that you might have an historical chain of all the cases of constructive levying war against the King; and I call upon the Solicitor General to add any thing to this catalogue. But I am certain that industry can add nothing to it; I do assert, that the existence of mere force, as force, is not a levying war against the King; but that it must be directly levelled against the person of the King or his safety, or some law of the kingdom, or some branch or function of the prerogative or government of the King; or, as Lord Mansfield expressed it, against the majesty of the King.—Well, but says the Attorney General, this is flagrant civil war and rebellion.—So that not being able to prove an inferior case, he assumes a stronger case; he cannot prove that they meant to carry any particular measure; but he says, I will prove more: here is no evidence that they demanded one particular thing, or attacked one magistrate, one lord mayor, or one privy counsellor; the weaker treason does not exist; but there is evidence of a larger treason.—This is in effect to say, I do not know what object they meant to apply their attack to; not being able to prove what is little, I will infer what is large; not being able to prove that you meant to abolish a particular part of the state, a particular law or function of the government; we will cut the matter short, and infer the whole against you at once.—Now I insist tha this is the fallacy of the case; that because they cannot prove one particular thing, they withdraw our attention from the proof of any particular thing; and they say, in effect, we cannot prove a particular object, and therefore we will infer the proof of all objects. Now this is a mode of abolishing the principle and rule of evidence as laid down in all the cases.

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Gentlemen, the Attorney General insists upon having it inferred, that they meant to overturn all the State at once. To repel such an inference, I called your attention before to what I beg leave to repeat; that if this force had been combined with *other societies*, such as existed in this country in 1792, and could have been shown to be the AGENT of those societies, and to be CO-OPERATING with them, as part of the same system, you would be able to apply the existence of this force to some credible OBJECT, which might reasonably be said to be proof of an intention to levy war against the state; but you have no declared object, which these men meant to attain, or could attain, of a public nature. But the argument of to-day is,—that you need not have any proof; the prisoners did not explain what they meant; and therefore it is to be inferred, they meant to overturn the state. The Attorney General cannot show a particular measure they meant to carry; and, therefore, the force is magnified into the most offensive mode in which a force can exist; and it is inferred to be a general insurrection, and a flagrant civil war in the community. Now, I do say, that to argue in that manner is to forget the definition of levying war against the King; it is to forget the language of the statute; it is directly to leave to conjecture and presumption, what the law says shall be made the subject of manifest proof. But what a strange sort of conjecture and presumption is this: the first conjecture and presumption is, that they went forth to overturn the whole state—these six conspirators, then they break open the gunsmiths shops, because they intended to overturn the state. And the whole argument turns in a circle of that kind. The record is a mass of confusion, and I think the reasoning is not much better.

Gentlemen, you will have the goodness to bear in mind the legal definition of treason, and that the fact of it must

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be made out by manifest proof. It is not enough to ask a man, whether he did not mean mischief; if I should say he did, that is not a case of treason.

Gentlemen, there is no difficulty in deciding to what class the delinquency of these men belongs. If you should ask how they are to be punished, you are very well aware, I am sure, how they are to be dealt with. I shall satisfy you, that by the law of England an admitted and notorious distinction has existed from very ancient times, between a tumultuous, nay, a "*rebellious riot*," and treason. Riot as riot, and tumult as tumult, though attended by ten times more outrage than has happened on this occasion form a separate species of delinquency. A riot is indefinite in its objects; but treason must be coupled with a DISTINCT design. Treason is to meditate destruction to the person of the King; it is to suppress some law, or to usurp some function of government. Treason must aim some DIRECT ATTACK on the state, or some constituent part of the state. But if a treasonable project is absent, mischief and destruction alone can never be treason.

Since the Revolution, and even long before, the most marked and undoubted lines of distinction have existed on this subject. Riots and outrages, which may have the appearance and attitude, and in even some respects the characteristics of hostility against the state, cannot be classed with treason; because they are not marked with that distinct and undoubted character which constitutes treason; and the fallacy of the argument here is this, they cannot prove any particular object. But they conclude that there must be a treason, because there has been violence and tumult; and this they call levying war against the King. Now I deny that to be law; and I would call on my learned friends to mention a case, either before or since the Revolution, in which such a principle is to be met with.

Gentlemen, I have said that there may exist what is

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known to the law, under the name of "a rebellious riot," and yet no treason. Now I will give my authorities for the support of that proposition. In the reign of Edward the sixth a statute was passed, by which it was made treason if any twelve persons or more assembled should intend or go about with force of arms unlawfully, to alter or change any laws established by Parliament for religion, or any other laws of the realm, and should not disperse within an hour after proclamation, but should attempt in a forcible and riotous manner to put these things into effect. Here, you will observe, is the precise resemblance of the modern Riot Act. Gentlemen, by this Act of the 3d and 4th of Edward the sixth, this species of offence, which had not been described by ancient statute of Edward the third, was, for the first time, raised up into the scale of treason. Popular tumults of a very dangerous description had broken out from a feeling in favour of the popish religion. Upon the death of Edward the sixth this statute fell to the ground; but the same species of offence was made a felony in the reign of Queen Mary, and again made a felony in the reign of Queen Elizabeth. I will read to you Lord Hale's treatise to satisfy you that I am correct. Speaking of the statute of Edward the sixth, he says, "This Act being made in a "great measure for the support of the reformed religion, "under Edward sixth, was, as to all points of treason therein "contained, *repealed* by 1 Mary, cap. 1; but in effect *the* "*very same offences* were enacted felonies, within clergy, by "1 Mary, session 2. cap. 12. which was to continue to the "end of the next Parliament; and after the death of Queen "Mary, was re-enacted by 1 Elizabeth, cap. 16. to continue "during her life, and till the end of the next session after "her death, but then expired." Then Lord Hale makes a remark, which I hope you will allow me to recommend to your most earnest attention; he says this, "That which "I would observe upon this Act, is this, how careful they

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" were in this time, not to be over hasty in introducing con-
" *structive treasons*, and to show how the opinions of the Par-
" liaments of Edward the sixth, Queen Mary and Queen
" Elizabeth went as to the point of *constructive treason*; and
" how careful they were not to go far in extending the statute
" of 25 Edward sixth." As far back, therefore, as the time of Edward the sixth, undefined riots and tumults, though attended with force and violence, were not levying war within the statute of Edward third. Now I will call your attention to a very remarkable expression which occurs in the statute of Queen Elizabeth. It is declared to be an Act "against unlawful and rebellious assemblies." Now mark that word "*rebellious*." Gentlemen, this statute of Queen Elizabeth fell to the ground upon her death; and from that period to the time of George the First, there existed no statute to make popular outrages and disturbances *even a felony*, for the statute of Elizabeth had never been revived. But upon the accession of George the First, there was a very strong and violent party in this country, who were disposed to assert the right of a pretender to the crown; and it became necessary to put down those dangerous proceedings which threatened the tranquillity of the kingdom, and to revive the principle of the statutes of Edward the sixth, Queen Mary and Queen Elizabeth, which had originally applied to the subject of Religion; and this led to the passing the Riot Act, with which you are so well acquainted, and the terms of which I will presently state. Now I will stake my credit as a lawyer for the accuracy of my statement—and that my view is the view every lawyer has taken. I assert that an undefined riot falls within the reach of the Riot Act, and not within the reach of the statute of treasons; and the distinction between the one and the other is, that a riot may be attended with the greatest mischief and audacity; but you must fasten on it one of the precise denominations or characters I have alluded to, other-

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wise it is *an undefined riot*, and not a *specific* offence of treason. This is not my argument; but it is the language of the law itself, and in proof of it I will read the statute; the title of it is, "An Act for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing of Rioters." The preamble is in these words; "Whereas of late many rebellious riots and tumults have "been in divers parts of this kingdom, to the disturbance of "the public peace, and the endangering of His Majesty's "person and government; and the same are yet continued "and fomented by persons disaffected to His Majesty, pre-"suming so to do, for that the punishments provided by the "laws now in being are not adequate to such heinous of-"fences; and by such rioters, His Majesty and His adminis-"tration have been most maliciously and falsely traduced, "with an intent to raise divisions and to alienate the affec-"tions of the people from His Majesty." The Act then proceeds, as you well know, to authorize the magistrate to disperse the mob. And it is made death if they do not disperse within an hour; not only this, but it is made death, if any man knows that a magistrate is prevented from reading the Act, to continue in a riotous meeting. Gentlemen, do you observe these terms, how strongly descriptive they are of tumultuary popular violence, armed even to such a degree as to threaten the authority of the state? You have not only the words "*Rebellious Riots*," which occur in the statute of Elizabeth, but you have the expressions "danger to His Majesty's person and government." This surely imports violence to a pretty alarming extent. The very same idea may be collected from Sir William Blackstone's remarks. In reviewing the Riot Act, he says it was made in order to support the "*Act of Settlement*," alluding to the Act for the limitation of the Crown to the illustrious ancestors of His Majesty. Now you would say, perhaps, that the Act of Settlement could

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only be affected by *treason*. No such thing; the Riot Act has contemplated those undefined elements of disturbance, contained in a riot, which have not assumed the shape of treason; and I shall presently speak of the disturbances in the city of London in the year 1715, which had not assumed the shape of treason.

Gentlemen, I am afraid that I am fatiguing you on this subject; I do not look into any book in which my argument is not supported; it is, indeed, not my personal argument. You might suspect me, as an advocate, of framing propositions and principles adapted to the case now before you. It is for that reason that I trouble you with my authorities illustrating the principle of the Riot Act. Every writer has laid down the same proposition I lay down. Mr. Reeves, in his very valuable history of the laws of England, alludes to the statutes of Edward the sixth, and Queen Mary, as furnishing the model of this modern law.

Gentlemen, I cannot also fail here to recommend to your attention the remarks of a writer of great talents, and of as accurate judgment and learning as any we have lately seen: I allude to the late Lord Auckland, once an ornament of the bar, and who afterwards filled some very high situations of diplomacy. He has reviewed the subject of constructive treason; and after going through the examples which I have mentioned, of opening prisons and throwing down all inclosures, with an armed force, and the other cases of that kind, has concluded with this observation: "As to the other enormities above-mentioned, the constitution hath certainly entrusted the first and proper exertion "for the redress of grievances to the High Court of Parliament; yet, to the eye of humanity, it will appear doubtful "whether certain offences have not occasionally received the "hard denomination of *rebellion*, which might more properly have been punished as trespasses, misdemeanors and

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"RIOTS." This eminent writer is of opinion, that the catalogue of constructive treasons has gone too far already. But I do not carry my argument to that length. I do not here question or infringe upon any one rule which has been laid down in any one decided case coming within that rule; I only assert, that it is illegal to extend construction any further.

Now, Gentlemen, am I founded or not in what I have stated to you, that the description of popular outrage, marked by the word "rebellious riots," forms a class of cases essentially and completely distinct from the idea of war against the King; a species of outrage and delinquency high indeed and considerable in its character, punishable by death, but a delinquency, which it is the confusion of all terms to call flagrant rebellion and civil war? Have I not shown to you, that there may be tumults which tend to alienate the affections of the people from the King, which raise divisions among the people, which may even endanger the government and the person of the King—for these words are not my words, but the words of the law itself—and yet, formidable as these things seem to be, they are totally out of the pale of treason?

Gentlemen, I will assert it as a lawyer, that if the doctrines I have heard, when I connect them with the real nature and character of the Spa-fields meeting of the 2d December, shall be carried into effect, they amount to a repeal of the Riot Act; there can no longer exist a riot, either in fact or in law. Is that well argued, or is it not? The Gentlemen must not tell you, that if the mob had not been put down within four hours after it met; that if it had gone on to the 3d, the 4th, the 5th of December; that if nothing had happened to check it, it would have become larger and larger in numbers, bolder and bolder in its objects; that it would in time have become strong enough to begin an attack on the state; that it

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would have ripened into a treason, and would have ended in a complete rebellion. If they say all this, it is to say that Saturday is the same as Monday; that future and present are the same; the beginning and the conclusion are the same. This is just one of those fallacies which, I think, runs through the whole of this case; it is just to forget the distinction between the tendency to a thing, and the thing itself.

Gentlemen, having stated to you the history and the language of the law on this subject, let us next see what the practice has been. Now the history of the practice will be found to correspond with the history of the law. The proposition of law which I contend for, is confirmed by invariable practice. If I am wrong in that, I call for precedents to contradict me.

It is, indeed, impossible to give a regular series and detail of all the popular tumults which have occurred in this country within the last century; a memorial of these things is not always kept, and the facts are imperfectly recollected; but riots infinitely worse and more dangerous than the Spa-fields riot, undoubtedly have taken place, which were not attempted to be made treason. I will mention one of a remarkable nature, which happened in the year 1715, about a year after the death of Queen Ann. There was, at that time, a very active party, whose wishes were in favour of the Pretender, in opposition to the title of the illustrious House of Brunswick, which has now for a century, and, I trust, will for ever reign among us, and there prevailed a great ferment and disturbance in London. The character of these transactions is described by Dr. Smollett in his history, a passage of which I will read to you; he says, "The spirit of discontent and disaffection seem-
"ed to gain ground every day in England. Notwithstand-
"ing proclamations against riots and orders of the justices
"for maintaining the peace, repeated tumults were raised
"by the mal-contents in the cities of London and West-

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" minster. Those who celebrated the anniversary of the " King's birth-day with the usual marks of joy and festivity, " were insulted by the populace; but next day, which was " the anniversary of the Restoration, the whole city was " lighted up with bonfires and illuminations, and echoed " with the sound of mirth and tumultuous rejoicing. The " people even obliged the life guards, who patrolled through " the streets, to join in the cry of the High Church and " Ormond; and in Smithfield they burned a picture of King " William. Thirty persons were imprisoned for being con- " cerned in these riots; one Bournois, a schoolmaster, who " affirmed that King George had no right to the crown, was " tried, and scourged through the city with such severity, " that in a few days he expired in the utmost torture." Do observe what was passing in the minds and wishes of the people engaged in these daring tumults—they publicly burnt King William's picture, which you know was *emblematically* and *figuratively* the burning of the King's title to the throne; for the title of the illustrious House of Brunswick was the same as that of King William. The mal-contents had not three or four yards of tri-colour ribbon, as the Spa-fields people had; but they had tri-colour ribbon in abundance, in the shape of illuminations and bonfires. At this time men of the highest spirit and firmness were in his Majesty's councils. Lord Cowper, Sir Joseph Jekyll, and the Attorney General Mr. Northey. Now this was an occasion on which one would say, why here is an opportunity to try whether a constructive and interpretative treason may not be raised out of these transactions. But the attempt was not made. Some of the features of these riots were surely as bad as could be, and the whole character of them was formidable enough.

Gentlemen, I solemnly aver, on my credit as a lawyer, and on my accuracy and diligence in looking into the annals of domestic occurrences, that such disturbances

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as occurred on the 2d of December never were attempted to be characterized with the denomination of treason, not only not since but not before the Revolution. And I have stated why, namely, because such things have belonged to a different scale of offence ever since Queen Elizabeth's time, a period not favourable for allowing a larger to pass off as a minor delinquency.

Gentlemen, tracing the history of this subject, let us come down to our own times. We all of us recollect the Birmingham riots, though I cannot state the year exactly, it was before 1790. Now if the Spa-fields riots were a civil war, suffer me to ask what the Attorney General will call the Birmingham riots; let us just see what happened at Birmingham. The houses of His Majesty's subjects, the Dissenters, who were supposed not to be very friendly to government, were burnt down—the house of Dr. Priestley was burnt down—and the houses of several opulent manufacturers were destroyed or burnt down; they were driven from their houses, their furniture and property were destroyed. I believe also, and I am sure I wish to be correct, that some meeting-houses were burnt down; there was damage done twenty times greater there than here. Did the Attorney General of that day adopt the law of the present Attorney General? did he call it flagrant civil war? No. Was there a prosecution for treason? No; and I assert here as a fact, that the outrages committed were ten times greater than the present; there was in that case a very strong feature of resemblance to the case of 1709, in Queen Anne's time, when the Dissenters' meeting-houses in London were burnt down, because it was meant as an attack upon a particular class of persons, namely, the class of Dissenters in Birmingham. Dr. Priestley, a man of great eminence and science, was an opponent of the Government, he had made himself offensive by his political works. I recollect when I was a young man, at the uni-

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versity, that the valuable classical library of Dr. Parr was sent to be kept within the cloisters of the college I was at, because he was afraid that his books were about to share the same fate. Will the present Attorney General say that the Attorney General of that time did not do his duty? If it was treason, ill did he conduct himself in not prosecuting. No, Gentlemen, there was no prosecution for treason. But in the motive and purpose of the insurgents who were concerned in those outrages, there was much more of criminality and of malignity, and an incomparably larger amount of mischief than I can discover on the 2d of December. But do you see the dilemma in which the Attorney General of 1817 is putting the Attorney General of 1790, if a mob of church and king rioters are not to be considered as traitors, and these miserable men are to be made traitors? Will you suffer, while you have pulsation in your veins, that the tyrannical outrages of the Birmingham rioters shall be called riots, and that the rioters of the Spa-fields shall be called traitors, if that is addressed to you and if it has been addressed to you with effect?

Mr. Attorney General. Not by me.

Mr. Wetherell. Certainly not in any thing you have said; I am not arguing from the words you have used, but from the necessary resemblance of things I assert, that upon every scale by which delinquency can be tried, the riots in 1790 were immeasurably more delinquent than the riots of last winter. Why was not that treason? Perhaps it will be answered, because community of purpose and distinctness of design could not be made out. Perhaps it may be said, that there was not evidence that ALL the meeting-houses and the houses of *all the Dissenters* were to be burnt down, and therefore it would not come within the principle of the case of 1709, and that a treasonable design could not be made out by proof, and that you had no right to

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infer it. Why this is just the kind of inference I am contending against throughout the whole of this case.

Consistency and uniformity must be kept; there is no justice without it. And I would appeal to your own discernment to say, whether, if these unfortunate men are convicted in this trial, and a second Birmingham riot should chance to occur, a similar conviction must not follow as an unavoidable consequence.

Gentlemen, two years ago, as every one of you must have seen, there were riots in this country, in which the house of every peer and every member of parliament who supported the Corn Bill was attacked. Here was a something like a community of purpose to compel the repeal of that law. There was a feature of assimilation to the case of 1709: the house of the Lord Chancellor and other cabinet ministers were broken open; the Lord Chief Justice was threatened; a man was shot by the soldiers in protecting Mr. Robinson's house; and the military were obliged to parade the streets for several days. This was a great insult and indignity offered to the legislature in the persons of every member who belonged to it; and their lives were threatened. The Attorney General did not indict for treason? No; but upon the doctrines of to-day, why did he not do so? There were undoubtedly many facts of outrage, and why not construe and presume as you are called upon to construe and presume to-day? Why not interpret all this into a deliberate plan and treasonable conspiracy to intimidate and over-awe the Parliament, and by violence and force to usurp upon it, in order to compel the repeal of a law.

Gentlemen, the law must be preserved *in toto*, or it cannot be preserved at all. Who shall decide the amount of outrage which is to constitute a treason? Will the Gentlemen tell me their own limits? Will you open the compasses one inch or six inches, or what scale and divi-

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sion will you make? You cannot make the measure larger or smaller as you choose; and if once the principle is laid down, that a Jury in this country shall ever give up the sacred definition of the statute of treasons, and shall enhance and magnify into levying war against the King a vague tumult like this, the calamity will be endless; you will unstring your own nerves, and drain the vital fluid from your own veins; you will give up the best safeguard of the liberties of the people, which, if once gone, will never return; if once gone, it is gone irreclaimably and for ever."

Gentlemen, the protection we derive from a known and invariable rule in the law of treason was no work of a moment. The statute of Edward did indeed give that rule; but when it had been given, it was soon lost; and for upwards of three centuries afterwards no man knew when he was safe. In Henry the eighth's time, words were treason; and to-day, a speech, containing violent and offensive expressions, has been imputed as a treason. Let us take care how we go on. It may by-and-by lead to re-institute the whole system that has been swept down, the demolition of which was not finally effected till the revolution.

Gentlemen, if the present state of the country is such, that dangers grow upon us; if the evil of the times must be met with remedies adapted to the times; let us go to work like men, justly and constitutionally. If the state of the country is so bad, that the suspension of the Habeas Corpus Act is not enough, and more must be done for its safety, let more be done; but let it be done legally. If a law is wanted to make such transactions as happened on the second of December, treason, let us have a law made. But a legislative verdict is to confuse legislation with jurisprudence, and to pass an Act of Parliament in a court of justice. If further severities are requisite, if we must

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enlarge and amplify constructive treason, be it so; but let this be done with authority, and not without authority; I say this upon all general principles. But it is very remarkable, that the original statute of Edward contains a clause on the subject of new treasons, which I beg to press on your attention. It says, "and because that many other "cases of like treason may happen in time to come, which a "man cannot think, nor declare at this present time, it is "accorded, that if any other case supposed treason, which "is not above specified, doth happen before any justices, the "justices shall tarry, without any going to judgment of the "treason, till the cause be showed and declared before the "King and his Parliament, whether it ought to be judged "treason or other felony." The framers of that statute presume, that possibilities might require new treasons to be created. But they say, you must in that event resort to the Legislature. And in point of fact, in our own time, by the Act of 1795, some new treasons were enacted, and amongst others, the conspiring by force to overawe the Parliament; so I say here, if the disposition of the people at the present moment is become so hostile to the State, as to endanger it, let the Legislature interfere; but let us observe the law *as it is*, till the law *which is* has been constitutionally altered; and let the Parliament declare prospectively, that every riot shall be a treason.

Gentlemen, I hope you will excuse me in reviewing this important subject so largely. I certainly did not know, when I consented to be placed in the situation in which I now stand, that there was imposed on me the perilous responsibility in which I afterwards found I was involved. I have been since told, that the substantial issue in this case is, whether the distinction shall be beat down between proceedings under the riot act, and the statute of treasons. I have been told so; and I assert on the history, the precedents and the practice of the law, that it is so. In no

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tion, upon no occasion, by no Attorney General, was the attempt made, which is at issue in this prosecution, to characterize such transactions as treasonable. Possibly I may be told, that such a precise case as this has not occurred before. It may be so; but cases like it have occurred as far as two cases can be alike; you cannot have identity of circumstances. Identity of principle can be the only feature of resemblance; there cannot be a precise precedent for a riot. But I must say, that I think the Birmingham riots ten times more flagitious than these. But if precedents are to be considered, you must weigh the effect of your verdict, as it will become a precedent for future imitation. You will look forward to the consequences and results; consequences infinitely more important to the public at large, than the immediate effect of the verdict to the prisoner. If this be a rebellion and civil war, another Attorney General will tell you, that breaking one gunsmith's shop is a civil war; another will tell you, that having flags alone is civil war, without breaking into any man's shop. The civil war will depend entirely on the arbitrium of the Attorney General; if you open the door, the Attorney General will open it as much wider as he likes; there will be no shutting it again. And there may be times, when there may not be such moderation and such honour and integrity in the administration of the law as prevail at present. If you annihilate the boundaries between the two classes of cases, if you amalgamate together the elements of treason and riot, they never can be separated again by any human judgment, but why do this in a case of treason? why give way to an attempt to extend the treason law? Is not the whole of our law a system of moral distinction, and of technical distinction, which assorts one set of things to one principle, and another to another? Is not manslaughter a different thing from murder? Have you not felonies of one kind, and felonies

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of another? Is not misdemeanor and trespass put below felony? Is it not the rule of the whole, to contradistinguish and divide, and to trace out the smallest differences with microscopic minuteness? Why is treason then to be made evanescent, and lost in undefined latitudes?

Gentlemen, I am afraid that I intrude too much upon you; but you will recollect what the importance of the occasion is; I have given you my authorities, I have laid before you my history, and I will add a pledge, derived from much research and repeated consideration of the laws of this country and its constitution, and I will yield in investigation to no man. I will say, that the attempt of this trial is to disregard a fundamental rule of the law, and to mix things together which have ever been kept separate, and which ever must remain separate, as long as the liberties of the country remain.

Gentlemen, I have hitherto adverted to the practice of former times; I come now to the practice of our own time. Are you aware that the transactions now charged as a treason, were once, by the Attorney General, characterised as a misdemeanor. Do you know that a bill of indictment was preferred by the Crown against the conspirators upon the very same transactions for a riot. Where are we? are we got to this pass that the Attorney General can take up and put down the treason act as he pleases; that the same thing can be misdemeanor at Hicks's Hall, felony at the Old Bailey, and treason in the King's Bench. How extraordinary it is, that the same identical case should have this shifting and varying character; but so the truth is. One unfortunate man underwent the sentence of the law at the Old Bailey; one of these conspirators, Hooper (what a distressing alternative the country is put to) was tried for felony, in stealing arms from Mr. Beckwith's shop; but if it were treason, it is no taking as felony but as treason.

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Lord Ellenborough. A felony may be committed in the prosecution of a treason. I interrupt you, for fear there should be a misapprehension.

Mr. Wetherell. My Lord, that is not my way of putting it; but all the facts that are known now were known then.

Mr. Attorney General. That is not true.

Mr. Justice Abbott. It is impossible, Mr. Wetherell, that you can know that.

Mr. Attorney General. My learned friend is stating that which he cannot know, and it is casting an odium upon me which I cannot submit to; as far as he chuses to argue or misrepresent my arguments, I say nothing.

Mr. Wetherell. It is impossible for me to give the precise date when every thing came to the knowledge of Government, but all external circumstances were known within a fortnight; the short-hand writer's note of the treasonable speech was handed over the morning after the 2d of December to the Under Secretary of State; the attack on Mr. Beckwith's shop was known immediately afterwards; so was the breaking open the shops in the Minories; so was the seizing the flag at the Exchange by Mr. Alderman Shaw; so was the taking the other flags and banners in Spa-fields. I say, most of the external facts and circumstances were known within twenty-four hours afterwards. There was next at the Lord Mayor's house an examination for a fortnight, which completed the discovery of the whole; but there was one person not yet discovered; they had not found out Mr. Castle; all things which other witnesses could prove were found out; all the plain matters of fact had been seen, and were known and heard of, and understood, and established and proved, and investigated in private and in public, in courts of law and out of courts of law; every thing was known, but the person of Mr. Castle had not yet made its appearance. Gentlemen, will you suffer the judicature of an English Court—will you

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suffer the purity of British jurisprudence to depend upon the credit of that indescribable villain?—will you add to the blood money which he has earned?—will you encourage the trade and merchandize of a man who lives on blood? —will you, the guardians and protectors of British law, of that integrity, that honour and truth which have run in British veins for centuries; and when they cease Great Britain will be no more;—will you suffer death to be dealt out by him as he chooses?—will you suffer four human victims to be sacrificed on the testimony of that indescribable villain? But if you suffer it, I must add, will the British public suffer it?—will the people permit it;—will they tolerate or endure it? Gentlemen, I assert that every thing was known about these transactions, excepting the person of Castle, within a very short period afterwards; I assert it as a man of truth. You know it is so, and indeed it is proved to be so. Now let us see how this case, which was a misdemeanor till he came to light, is to be changed into treason when he was brought to light. He is brought to do what?—why he is to state every thing to you to constitute what is called a plot; every thing which is an intention to overturn the Government; every thing which is evidence of a treasonable plot; every thing to constitute the vitality of treason is to depend on his testimony; And I am willing to stand or fall, I am willing that this man's fate shall depend on such credit and authority as you shall ascribe to the character of the man Castle. It is for that purpose I wish, without troubling you with minute circumstances or details, to look in the broad and wholesale to his credibility. I shall be told that an accomplice may be confirmed, and that a man who is confirmed in stating a treason, though he is a traitor himself, may be believed in things where he is confirmed, though not where he is not confirmed. Now let us apply this principle to Castle, and you will find there is no one material part of

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the case to be made out, in order to raise it up to the character and definition of treason, which does not want to be confirmed. In the first place, you have heard from the opening of the Attorney General, that there were two successive plans of treason; one plan was given up upon the 2d of December—a plan which is too ridiculous to be reasoned upon seriously.

Mr. Justice Bayley. You are wrong in the date—the 15th of November.

Mr. Wetherell. I am obliged to your Lordship for setting me right in the date; it was the 15th November.—Castle's own words were, that the plan was abandoned for the present, giving it as a reason, that the people were not ripe for that disturbance; but I should say, and it struck me at the time, how does it happen that they were more ripe for this rebellion towards the Tower and the east end of London. The first rebellion was to barricade the west end of the town, which was to be conducted by the coal-heavers and hackney coachmen. It was to commence at half-past twelve at night, the walls and pallisadoes of gentlemen's houses in Piccadilly were to be removed, to stop the turnpike gates; the soldiers were to be smothered to death. Is it not futile and puerile to argue this? but the gentlemen say, no; you must explain all this; it has been proved by Castle, and we have confirmed him; the confirmation is the hiring Mr. Cosser's house, and the conversation between the prisoner and Castle, near the barracks. I suppose that was referred to, but Castle may have prevailed upon this young man to take the house. The bawdy-house bully, who does not know his own age, is the only man who pretends to say that the house was to be hired for the purpose of keeping combustibles; not a word or a syllable is stated about combustibles, except by Castle, a man whom you find lying all over the town; there is no house he goes to, where he does not tell a lie. You

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hard soldier; and if I may conjecture what passes upon your minds, you have indicated throughout the value you put on his evidence. Wherever he travels, a lie goes along with him, as the accessary follows the principal. With scandalous falsehood he told you, that he heard Thistlewood and the elder Watson harangue fifty soldiers on the Tower wall; the two soldiers themselves say there were only two; so that there is a lie, as, between fifty and two —a pretty sample of a lie. Castle tells you, that both the prisoner and Thistlewood made the speeches to the soldiers; but the soldiers say, that one person only spoke to them. Pray who are the best judges, the soldiers or Mr. Castle? Now this is a sample of what Castle is by himself, and it is a strange sort of confirmation. There is no doubt that he is confirmed in the circumstance, that these parties were together at different places and times. But how does this prove, the conspiracy, or the objects of it? I do not dispute their being together at particular places and times; that is the sort of confirmation Castle has received; that is no confirmation of a treason. What confirmation is there of this puerile and ridiculous plot? They have also called a witness to prove that Watson and he went to see the barracks, and the witness says, they walked near the place; and I think he says there was some dispute. I should suppose this was the dispute that the bawdy-house bully wanted, to induce Watson to think the barracks could be burnt down, and the soldiers stifled with the stench of the combustibles. That is my speculation. What was the quarrel? was it this, that Castle was persuading Watson it was possible; or that Dr. Watson was persuading him that it was not possible. Now these are literally the only two circumstances which any man's conjecture or imagination would point out to be what is called a confirmation of the first imputed plot; a plot for raising a flagrant civil war, and overcetting the

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whole Government, and making a revolution with hackney coaches and hackney coachmen, and an army of drunken men, picked up at midnight, by smothering the soldiers, and carrying on a land blockade all round London. It appeared to me, that the naval part of the blockade was not complete, and I asked Castle, how he was to stop the artillery coming up the river? Oh! that is very easily done. My learned friend, Mr. Gurney, though he did not lead the witness, certainly conducted him pretty skilfully through his blockade of London. But my learned friend did not touch on the naval part of the blockade; that he left for me. Now the naval blockade consisted in taking the ships in the river; but that was not enough. They were then to go and take the navy of Great Britain. All this civil war was to be conducted by six generals, one of whom cannot ride on horseback, and another of them walks very lamely. Gentlemen, when the life of a man is at stake, the case becomes too serious to laugh at. I was called to order the other day, for laughing a little when the witness described the firing as being a *feu de joie*; the only war was cramming up powder to the muzzle, and firing buttons off. I have had occasion since to hold up my hands throughout the whole course of the examination of the witnesses of the Crown. I have had occasion to say, these are falsehoods not to be addressed to the sense of any man; these are preposterous things, by which truth is blasphemed. The first plan is the most lamentable fiction ever heard of; but if the first plan is fictitious, what becomes of the second? I put it to you, as men of honour, to say, whether any one of you can give credit to such a plan for a moment. I am not denying that the parties may have had a disposition to tumult; you may suspect them of what you like. I deny the Attorney General's law; I am not bound to give any explanation; he is to make out the charge. Conjecture may very

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easily attribute a character to these things, and it may assign to them an intention to make a riot.

Well, Gentlemen, will you credit him in the second unreasonable story, if the first is false; is there a living man in Court, who will suffer his judgment to be mocked by the supposition, that the first plan was a plan for a revolution and a civil war; just the same is the truth of the second plan; he contradicts himself, and so it turns out always; if you will confront him with himself, you will find that he never speaks the truth. He says this plan was abandoned, because the people were not ripe for it; if they were not ripe at one end of the town, I should not think they were ripe for it in the City; if they could not blockade from Oxford Road to Saint Giles's, where Thistlewood was to make his grand stand, I should say if it was impracticable there, it was not more practicable at the other end of the town; and if you disbelieve this fiction, will you ascribe a different character to the assertions of this man, as to another plan to take place a fortnight afterwards. If you find him destitute of probability, as to the west end of the town, let me ask what you will say to the plan at the east end of the town? But I protest I can not understand what the plan was to be; they were to meet at Spa-fields, one man was to go to the Tower, another to the Bank; you have heard what has been said as to the Bank, but you have not heard how the Tower was to be attacked; nor can I understand how, though it is charged in the indictment as a serious part of this case. As to the speeches to the soldiers, that has nothing to do with attacking the Tower.

Gentlemen, I request you to mark what I am about to mention; Castle says the Tower was his station; he was at the Tower at ten o'clock in the morning, and he knew the gates were shut on account of the Spa-fields meeting. What does he do with himself afterwards? why you would

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expect to find him going to his friends in Spa-fields, to tell them the gates were shut up; no, he does not go and tell them; I do not know where he is all the morning; but he ought naturally to go and tell his companions, if there was in reality a conspiracy to take the Tower, what he knew of it; he ought to have gone to them, and said, do not go to the Tower, there is no use in going there, I know they are upon their guard; no he does not do this, but he absconds all the morning; he does not tell his companions what he knew, though he says he met them in Little Britain, and you hear nothing further of him till he leads these persons to the Tower, and then he says that several hours afterwards, Watson and Thistlewood were haranguing the soldiers, to induce them to give the Tower up, though he had known himself that the gates were shut early in the morning.

Gentlemen, I shall have occasion, by and by, to state to you something very remarkable about the Tower, which Castle said to Mr. Hunt, between 12 and 1 o'clock; but I will, for a moment postpone it. I own I do not care what he asserts about the transactions of the 2d of December, nor whether there was a plan or not, for whatever he asserts is not credible; but I own I do not quite comprehend the business, according to his own statement of it, nor is it at all consistent with the evidence. The whole, however, was to end in this, that the council named in the unexplained paper; the C. P. S. was to govern the land, after these six rebels had swept down the whole internal civil and military force of the country.

Gentlemen, I have no doubt if this trial went on a little longer, I should have been able to prove that Mr. Castle had been guilty of crime under every letter of the alphabet. Under some letters there is a double alliteration of crime, for instance, under the letter B we have Bawdy-house-keeping and Bigamy; for I will prove that he has two wives; one

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wife he has admitted, and I have made him admit that Mr. Stafford sent this wife out of town. What! send the wife of a man out of the way who is allowed, *ex hypothesi*, to be incredible unless he is confirmed. Is that the style of confirmation by which men's lives are to be sworn away. If he speaks the truth, there are fifty things in which she might confirm him; where he was, who came to him, what things he got, where he went, what messages were left for him; many of these transactions might be confirmed; and yet, this witness incredible in his own person, too wicked and scandalous to be believed; this witness who is good for nothing, unless you can add buttresses and props to support him, is desired to send his wife out of the way, the only person who could give a diary and journal of where he was, and what passed; a person living with him, who had an opportunity of watching him from day to day; he stated that he had private reasons; I do not know what they were, but I think I can conjecture. If we go on to letter F, we have more than a double alliteration, we have Forgery, Felony, and French prisoners; he has allowed that he uttered forged notes, and he worked out the redemption of his own life by sacrificing that of his companion; we have felony, for he has admitted stealing the chairs and tables of the room in which the treasonable plot was hatched, where this committee of conspirators met, if they ever did meet. If I go further, I find Mr. Castle mixed up in one of the most infamous traffics in which a man could engage; I find him assisting the French Government, in procuring the escape of French prisoners, and particularly of an officer in the engineering department of the French army, Colonel Pouvetté; upon which occasion the magistrate told him he would commit a commissioner of the transports, if he found him doing the same thing. I find him visiting the wretched and unfortunate objects in a Bridewell, one of whom was about to undergo

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the sentence of the law, and who it seems set him to work in getting off French prisoners. You will recollect his prevarications as to his living at Mrs. Thoms's, a place where nothing but infamy can exist; a bully in a common bawdy-house; such is his origin, such has been the course of his life; it began in turpitude and disgrace, and he has mounted up, after sacrificing one man for the earnings of blood-money to the consummation of the whole, by urging others to crimes which are alledged to be treason, that he might communicate it to Government for blood-money, as the price of his information. That is not all, so wretched and so miserable is this man, that he is not only a witness for the Crown, but he actually came into Court to give his evidence, dressed in the coat, waistcoat, and breeches of the Crown, paid for by Mr. Stafford of Bow-street. Gentlemen, I put the question to the man, you heard the answer he gave, and you will find the very clothes on his back were paid for, as the incipient part of those wages which he is to receive.

Lord Ellenborough. The contrary is in evidence, and you have no right to supply that fact.

Mr. Wetherell. He said pocket-money was given him, and that his clothes were paid for.

Lord Ellenborough. Yes; but he did not say it was blood-money.

Mr. Wetherell. That is my inference; and Gentlemen, you must decide on a full view of the case; I have proved to you, from the prosecutions at the Old Bailey and the indictment at Hicks's Hall, that for two months, nay till the month of March last, the character and definition of treason was not assigned by the Attorney General to these transactions; I have no reason to ask the Attorney General his policy, I have no right to ask his reasons—

Mr. Attorney General. I have no policy.

Mr. Wetherell. Do not interrupt me.

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Mr. Attorney General. I cannot sit by, and have such corrupt motives imputed to me. I defy any man to impute to me corrupt motives, since the moment I first came into this Court.

Mr. Wetherell. I do not do so. I will argue on the *facts*. I have no right to ask the Attorney General's opinion; but I will argue on the *facts*; and I assert it as a *fact*, that for months after these transactions, and, as I assert, till Castle was got hold of, they were treated as a misdemeanor and a felony. There was an indictment at Hicks's Hall for a misdemeanor, and at the Old Bailey for felony; and, till Castle was discovered, the idea of raising these transactions into the high and transcendent crime of treason, was not thought of. I impute no motives to the Attorney General; and if he supposes I alluded to him, I am sorry for it. I am sure I did not, but I have a right to the fact, and I will have the fact, that, till Castle was got hold of, misdemeanor, and not treason, was the definition of the offence. Not only that, but a day was actually appointed for the trial, treating it as a misdemeanor; and it was not till Castle was brought to light, that the truth emanates before us.

Gentlemen, I certainly feel that I am taking up much of your time; but I say that, since the Revolution, so large and important, so sacred a question as the present, never underwent public investigation. I have been bestowing a full month of diligence. I have done it much to my own inconvenience, and I concur in what I have been told, that I was to be counsel for every man of England, to decide whether, what had been called in all times a riot, was to be made, for political purposes, treason; that is the question. You know, and every man in England knows, that the object of this prosecution is to change the distinction—

Lord Ellenborough. This is out of all reason. There

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never before have been imputations so large and so unfounded against any individual.

Mr. Wetherell. I have disclaimed any intention of the kind.

Mr. Justice Abbott. What is the use of disclaiming any intention, if you do the thing.

Mr. Wetherell. I never have made any personal allusions to the Attorney General.

Mr. Attorney General. I beg pardon: when you say the object of the prosecution is for political purposes, to change the law of England; I say, that is imputing to me the basest and wickedest motives that can actuate the mind of man.

Mr. Justice Bayley. The imputation goes a great deal further; it goes to all those who are to decide upon the question; it goes to this, that if those persons who have to determine upon the case, decide upon the question against the view of the subject which you take, then they will decide from political motives, and not act from those motives which I believe actuate all those persons.

Mr. Wetherell. I am sorry your Lordship should suppose so. I am not speaking *de personâ*, I am only putting my argument, that these transactions were treated as misdemeanors.

Mr. Solicitor General. Your statement was, that the issue was to try whether this offence was, for a political purpose, to be made treason.

Mr. Wetherell. I have disclaimed every statement of personal imputation, and I think the interruption too hasty. In the statute of 1795, under which two of these treasons are assigned, you will find by the last clause an election was given to the Attorney General to treat it as misdemeanor or treason; and if the Gentlemen would have waited till I had closed my argument, they would have seen my argument has nothing to do with any personal

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imputations whatever. Gentlemen, you know two of the treasons under this record are laid under the statute of 1795, and probably you have not had the last clause called to your attention. It is this: "Provided, that nothing in this Act contained shall extend or be construed to extend, to prevent or affect any prosecution by information or indictment at the common law, for any offence within the provisions of this Act, unless the party shall have been first prosecuted under this Act." This clause is a very singular one. It is the only Act in which such an election is given.

Lord Ellenborough. There is no election; it is only that if he is prosecuted under one, he shall not be prosecuted under the other.

Mr. Wetherell. I had been led to suppose, that the principle of this Act intended to give the Crown an election to proceed for these treasons, under the last clause in the Act, in the shape of treason or misdemeanor.

Mr. Justice Abbott. The Act only does this; it enacts what shall be treason, and then it provides, that if a person has been prosecuted for a misdemeanor, he shall not afterwards be tried for the same offence as a treason.

Mr. Wetherell. If I am wrong in that, let those gentlemen who have been so hasty in making the suggestions they have, give me credit when I say, I had considered that this Act had given that election, and when I stated what has given so much offence, my argument was this; that up to a certain time it was treated as a misdemeanor, and now, under the last clause, they have changed the character into treason: I may be wrong in my law, but still I think it will constitute a reason why they should not be so hasty, in imputing to me intentions which do not apply to me. Gentlemen, on that part of the case, the fact is up to a certain time, these transactions were treated as a

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misdemeanor; and if they tell me I have improperly imputed to them the changing it into treason, I am bound to say, as a gentleman, that I am sorry they should misunderstand me. I meant to argue what I thought to be the meaning of the Act, that it had given a double remedy, and that they had first elected to proceed for a misdemeanor and afterwards changed it into treason; and that I might not state any thing but what was correct, I have stated the question to many gentlemen, in and out of this Court, who have put the same construction on the Act. I only contend, that the Crown has no right to change from one to the other.

Gentlemen, I have now gone through the review which I proposed originally, of most of the main and general features of the case; the ultimate question is, whether, upon the testimony of Castle, you are of opinion, that any thing has taken place which any fair man will denominate to be treason? The direct issue must depend on what Castle says, without him there is not the shadow of a case. But supposing he were confirmed in every thing he says, by other witnesses, still you must believe *the fact as a proposition of fact*, that these parties deliberately INTENDED TO OVERTHROW THE STATE. For supposing that they instigated the outrages which the mob committed, and supposing the mob broke open the shops for arms, at the invitation of the conspirators; still, unless the force which they got had been afterwards actually converted to some act of aggression upon the State, coming within the examples I have mentioned, of a constructive levying of war (which sort of case, I think, is not pretended) or unless the force could be considered as connected with, and instrumentally employed in the furtherance of some clear *conspiracy and design to overthrow the whole State*, I should be perfectly at a loss to find that such transactions were ever brought within the pale and

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reach of the statute of treasons, though I would describe the crime as strongly as any man.

Gentlemen, you will hear by-and-by the view which the able person, with whom I am associated, takes of this subject; we have conferred much in private, but I believe his view will correspond with that I have laid before you; though I have no doubt it will be illustrated in a better manner, and reasoned with more accuracy and force.

Gentlemen, it is under the impression that I am well founded, that I have felt it my duty, with that firmness which I hope will ever attend me in the execution of any task, to represent to you my conception of this case, what is my conviction of the law of it, and of the general character and nature of it; that conviction I have expressed; what I have freely thought, I have freely spoken. I have fearlessly and boldly stated my propositions, and if any man's malignant or oblique insinuations should point at me, or if it should be suggested that I were disposed to infringe upon or to deny to the supremacy of the state or to the crown, the protection to be derived from that best and ultimate extent of construction which the statute of treasons ought to receive, and which a well-wisher of the Government could look for, I should confront that ill nature or malignity by opposing to it the unvaried and uniform tenor of my life. I am here no supporter of popular riots and outrages, I am no defender of wrong and mischief, no patron of public disturbance and confusion, I am the friend of none of these things; I am no advocate for taking from the Crown what belongs to it, neither am I an advocate for deducting from the people the rights and securities which can only be preserved by an uniform rule and invariable application of the law; I am for hanging the scales even between the Crown on one hand and the people on the other, and the only balance between them is the law.

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A capricious and arbitrary construction of the statute of treasons is what every writer has said to be illegal, and every judge has in modern times endeavoured to avoid. It is an innovation of that kind that I am contending against; I have gone through a long research to find out whether authorities can be produced against me, I can find none; I call for them; I call on the Solicitor General in his reply, to add to the catalogue of constructive treasons; I call upon him to prove what authority has ever decided that an undefined tumult was ever made treason; I call upon him for decisions or examples to prove that at any time such disturbances have been held, in the history of the law, to satisfy the denomination of levying war against King.

Gentlemen, there are still several other topics of a general nature connected with this case, to which I wish to call your attention, and amongst others, to the definition of evidence. I have differed from the Attorney General, I will take the law from no Attorney General, I will take the law from nothing but decided authorities; I will not do what the Attorney General has called on me to do; I will not take his challenge, when he says, if I cannot explain these things, they shall be held to be treason. According to this principle, what is to become of the statute of king William, which requires overt acts to be stated on the record, and proved by two witnesses; why is this required; why is this demonstration demanded? It is to prevent speculative treasons; it is to supersede every doubt as to the right of the Crown to require that explanation which the Attorney General calls for; the right to call for explanation is denied. Treason is no matter of explanation but of proof; it is not for the prosecutor to say, Give me an account of what is meant; that is not law; the prosecutor must make out what the accused party did mean; the labour of proof is with him; he has a right

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to conjecture nothing, he has a right to suppose nothing; it must be all manifested by open deeds and affirmative evidence.

I remember well the definition of proof given by a man whose profound learning was never surpassed in Westminster Hall; I mean that of Sir John Scott, when he was Attorney General in 1794. That eminent man, in sustaining the Crown prosecutions at that period, told the jury, that the proofs to be made out must be "*formal and convincing*." I borrow his precise expression. Now, Gentlemen, the doctrine laid down during this trial upon the subject of evidence, is very different indeed, and is totally inconsistent with the doctrine laid down by Sir John Scott, in 1794.

Gentlemen, having alluded to one of the rules laid down by the Attorney General of 1794, I must borrow from that eminent person some other leading principles connected with the nature of evidence and overt acts of treason. He expressed himself thus to the Jury, "I disclaim accumulative treasons; I disclaim constructive treason; I disclaim treason by parity." Now I could wish all these notions to be disclaimed in this prosecution; but instead of that, they are all acted upon. You have a constructive project for overturning the whole state; for if I believed Castle's evidence, I should be unable to believe a real project against the state, whatever else I might think of it. You have then a set of very small circumstances; a little tampering with the soldiers, a very little; you have some arms taken from the shops, but they are turned against no living being; you have a little speech from a waggon; a little riot in the city, very little indeed, mighty little; a little speaking to the walls of the Tower, not much; you have a little ribbon, three flags, and a little firing in the air. You are to mix up these things, and then the aggregate of the whole makes up a complete project against the state;

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this is the true spirit of accumulative treason. But then there is another principle, which I protest I think the whole of the case is built upon; and that is, the principle of treason by parity. If it should be said that these proceedings are as bad, and the *moral delinquency* of the parties as bad as a case of undoubted treason; you well know that such a principle is against every rule of the constitution, and the statute of Edward. Treason does not depend upon the quantum of the mischief; it is not a matter of comparison, but depends entirely upon rigid legal principles. What happened in Lord George Gordon's case? this great city had been burning in fourteen places at once; but when the jury came to try Lord George Gordon, they exercised those sacred and immutable principles of justice which ever have characterized, and always will characterize a British jury; they did not say to him, What you have done is as bad as treason, and therefore it is treason. Upon that occasion there was not an irregular mob with two or three miserable flags and banners, but a body of 40,000 men, in four columns, who marched down to the House of Commons, carrying with them tremendous and frightful awe; and took possession of the steps and threshold of the House. Besides their bulk and consistency of numbers, they had every mark of identity of object, and they wore every appearance of a *regular array* against the state. The jury held the charge of levying war not to be made out against that noble Lord; and I have always thought, and shall always continue to think, that verdict one of the most convincing and splendid proofs of the invariable integrity and purity of British jurisprudence. The jury forgot the ravages and burnings with which London had been afflicted for a fortnight, and they tried the noble Lord, discarding from their recollection, the insufferable outrages which he had been, in the eye of God, the cause of; and did not visit on him the consequences of all those evils which had

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arisen out of the irritation of a mob, at the head of which he had put himself; they did not say, that because this irritation continued, and in a day or two degenerated into civil war against the state, that he should be considered as the author of the whole.

Gentlemen, there are several other purposes for which I must desire you to keep in view Lord George Gordon's case; and particularly for the purpose of illustrating a very material question of law, which is, at what *time a treason shall be said to commence.* The point there was whether treason had begun, when Lord George Gordon was with the mob; there was plenty of insurrection and rebellion afterwards. But the jury were of opinion, that treason had not commenced while he was with the mob. Now I am perfectly ready to admit, that if a treason exists for five minutes, that is enough; it need not last for ten minutes, that I allow; but I wish to know, and I think you will be a little curious to know, at what time, on the 2d of December, the treason began. Now you will permit me to remind you, that one of the overt acts is, advertising and procuring a meeting of the people; another overt act is, displaying flags there, making the speeches from the waggon, and the leaping down from the waggon by the younger Watson with the flag, and the expression "Follow me." The proposition then must be, that it was a treason when they met there; a treason when the speech was made; and a treason, when the orator leaped down with a flag, was consummated. This is singular indeed; for the whole police of the City of London was upon their guard; the Middlesex magistrates were in attendance, they had a room close at hand; the constables were actually in the field; the military were at the Light Horse Barracks, a circumstance which I got out on cross-examination with some difficulty; there had been notice sent to the Tower; there had been arrangements made with the

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Lord Mayor. Do the gentlemen mean to say, that the magistrates permitted all these proceedings at Spa-fields. What! did they permit a treason to take place? why did not they stop it immediately? but what is more, why did they suffer it to begin? Will you allow it to be said, that a meeting is treasonable, where notice of it has been published a fortnight before; for it is proved there was an advertisement of it a fortnight before, in the public newspapers: Why, the Government knew of it, and they knew of the flags. Will you permit it to be stated, that the same flag that is evidence of treason on the 2d of December, is not as good evidence of treason on the 15th of November; and yet one of the identical flags was used at the first meeting; and a speech was made there by Mr. Hunt, which, in my opinion, was much more mischievous, than any thing these persons said. If I were to compare notes of the speeches, I confess I should say, Mr. Hunt's, in mischievous tendency, bore away the palm in a considerable degree.

Gentlemen, while I am upon this part of the subject, I request that you will do me the honour of carrying back your recollection to the state of things on the 15th of November, and the 2d of December last; for when we have to decide the character of any transaction, and particularly whether it is treasonable, every circumstance connected with it may be material. You will recollect, that at this time there prevailed a sort of epidemic soreness in the feelings of the lower orders of the community; a superfluous unemployed population was floating all round London, which laboured under great privations and hardships; but these were not imputed to the Government; nor was there even a suggestion of blame or inattention in that quarter; an irritation certainly was manifest. But I believe that a loss of comfort would irritate the higher classes of life as much as the lower; the evil grew out of the dislocation of the times; it arose from the suspension of industry and

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employment. This soreness degenerated into riot, a feeling which had nothing to do with political objects; the stimulating causes were of a totally different description. There was no measure pending between the Government and the people; the people had not asked a particular thing which was refused to them; there was nothing in issue between them and the Government; there was no matter in contest. I recollect no time when there was less of that sort of complaint, as between the public and the Government, which might be supposed to be favourable for hostile attack. I can discover therefore the character of a riot, but not of an attempt to rob the Government of its powers, or to introduce a fundamental change, or to extort any thing by force.

But if I recur back to Lord George Gordon's case, in 1780, I find a much stronger case than the present to countenance the idea of a treasonable aggression on the State; because you recollect that Sir George Saville's Act, which had given certain indulgencies to the Catholics, had excited the feelings of the people, and raised a subject of public contest which provoked the popular resentment. But notwithstanding these indications, the Jury refused to convict Lord George Gordon, for want of manifest and direct evidence of a treasonable design.

Gentlemen, I am perfectly conscious that in the course of this discussion, I have been unable to preserve that arrangement and method, in adverting to the various topics of consideration growing out of this important subject, which I had proposed to myself. I have been unable to go through the outline of argument which I had formed in my private contemplation, but your liberality will supply those deficiencies; and I have not the least doubt that many parts of the case which have been imperfectly touched upon by me, will receive from my able coadjutor an effect which I could not give them.

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Gentlemen, I shall pass on next to make some remarks on another overt act of this strange conspiracy, charged upon the record, and upon which great reliance has been placed on the other side—I allude to the pikes. It is pretended to be said, that Castle is confirmed upon that subject; I do not think he is in the least confirmed. It is true that they are found in the lodgings of the younger Watson, but you will recollect that the Watsons had left the place a fortnight before the 2d of December, and it is remarkable that the whole number of pikes is found there. Another thing must not be forgot; they are not pike-heads, but they are spikes to be put on pales. If you will ask my opinion on the subject, I should say that Castle ordered them, and used the lodgings of the younger Watson as a place of deposit for purposes of his own; for it is not made out, according to my ideas of confirmation, that the elder or the younger Watson knew any thing at all about them; and I think it will be found to rest entirely on the credit and assertion of Castle, that they were ordered by the consent of the committee, or that they were paid for by the money of the elder Watson. It is not uncharitable to suppose, that Castle, who has earned blood money before, might see how this business was to end; and so it happens, in point of fact, that not one of these spikes has been used for any purpose whatever, except that of being produced in this Court as evidence against the prisoner.

Another circumstance is truly whimsical; a grand rebellion was to break out. It is clear they had no arms for the insurgents but what they got out of the gunsmiths shops. The conspirators were so ill furnished with weapons when the war was to break out, that they were obliged to get them by violence and chance; yet it is said that they had ordered these pikes for the purpose of being used; then why were they not fitted up and got ready. If they had been found completed, the having them ready would be

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evidence to show they were meant for mischief. Well, but they are not ready; and, consequently, the evidence stands upon the mere assertion, that these things were to be put into the hands of the mob, which is contradicted by the state in which they were found. I cannot account for the non-use of them, if they were intended to be used as offensive weapons.

There is another circumstance which I am reminded of; it has been stated to you, that Harrison, one of the generals, a witness whom the Crown has not thought it prudent to call, was to get the pike handles; he was to go to a place at the back of the King's Bench to get them; why is he not called to prove that he did go there. If you had evidence to show that the poles had been ordered, the argument would go some length; it would show a step of preparation; as it is, these things are as useless as the old armour in the Tower, or an old casque or helmet hanging up in a gentleman's hall, which has been there two centuries: there is some contrivance of Castle's in this business. You find next, besides his other occupations of bawdy-house bully, felon, traitor, informer and forger of bank notes, he has been also a blacksmith; you find him going to Bentley's to make a pattern; he admitted that he had not done a job of smiths work for fourteen years before, and it is clear that he had gone into the more genteel line of life which succeeded. After fourteen years, he resumes his skill as a smith; a most remarkable fact. Castle is throughout the whole of this transaction active in every thing—he takes the lead in every thing: he tells you that he produced one of the pikes to the committee, sharpened at the point, as a pattern. So it ends; for as to all the rest of them they are in their original state, and there is literally not one of them sharpened; and therefore I can easily believe that the younger Watson did not know they were deposited in his lodgings, or if he did, he may

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have been told that they were spikes made for a rabbit warren; for you find Castle telling Bentley that they were wanted as spikes for a rabbit warren, or a park—the same lie which he told to the man who made them, it is no very strained supposition that he might have told this young man. But let us stick close to the fact, which is always better than imagination. I want to know why they were not actually fitted up for the rebellion; they neither were used, nor were in preparation to be used, nor by possibility could be used; that is a fact they cannot answer; the only mode of bringing them into action is by construction and supposition. Now I own I never heard of such a thing as a *constructive or interpretative pike.* It is a difficult operation of the mind to understand an idea of that kind, and so metaphysical that I cannot attempt it. I have forgot to observe, that a fortnight before the 2d of December, the younger Watson left his lodgings, and the landlord told you that neither the elder nor the younger Watson came there afterwards. Now I have dwelt longer than I ought on the pikes; for if we are to reason on the ordinary conclusions of evidence, and according to probabilities, the representation of Castle is contradicted by every view of the fact.

Then, gentlemen, the last charge which I shall allude to, is that of seducing His Majesty's troops from their allegiance, a charge which sounds seriously on the record, but no where else. On that point many witnesses have been examined by the Crown, but I think there is not one who has made out a colourable instance. You find them talking in a public tap-room: there is a little beer and tobacco given to the soldiers; Hooper and Preston are said to be the persons who chiefly attended Castle, but he is throughout the leading character—he calls himself a Yorkshireman—he is the man who invents the modes of getting into conversation with the soldiers, and yet when you come to hear

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what the soldiers themselves say, the whole amounts to that distant sort of conversation which no serious man would call an attempt to seduce the soldiers from their allegiance. Gentlemen, it is not suggested that the elder Watson was present upon any of these occasions; that I think is one of the lies that Castle has not told, what he has told would form ninety-nine words out of a hundred of all he has said. I do not conceive it to be material that I should go in detail, through the circumstances which constitute that part of the case. There has been an attempt to establish this imputation, but it has failed throughout. It is obvious, that in these conversations wishes were expressed that the soldiers should attend the Spa-fields meeting, I do not dispute that. One attempt to prove seduction against Thistlewood ended very unfortunately. It appeared that the serjeant began the conversation himself, by complaining that he had been degraded improperly; and then the conversation turned on the difference between getting rank in the French army and in the English.

Gentlemen, I think that not only is this charge not proved, but that in most instances the contrary is proved; and the conversations which were held with the soldiers amount to just the same thing as if they had been held with any other individual.

Gentlemen, I cannot presume to trouble you longer as to the facts or evidence, which indeed I did not profess to examine minutely, but merely to consider under their general features, and for the purpose of collecting the general character and complexion of the whole case. I have laid down propositions, from which, as a lawyer and an historian, I will not recede. I will stand or fall by what I have said in respect to any small credit my industry may have gained me in Westminster Hall. What I have argued the public may criticise; what I have stated openly may be read privately. If what I have argued as law is bad law, or doubtful law, the discredit —"

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be mine. I shall be tried by criticism elsewhere, as I am subject to animadversion here. But I have endeavoured to do what belongs to me as a man, fearless of consequences to myself, with an uncontrolable free agency in the exercise of my duty. As an independent advocate, I have laid down fearlessly and boldly my view of the real meaning of the statute of treasons; and I will assert, that if your verdict is to be founded upon the doctrines contained in the opening of the Attorney General, your verdict will be a departure from those principles which never were departed from till the present moment. I have, in the former part of my address, fully examined what are those aggressions of violence; what is that application of force and violence, either as they relate to the King, or to the government and constitution, which amount to treason; and I will assert it, as an honest man and as a lawyer, that if this extraordinary case is made out to be a constructive and interpretative levying war against the Crown, the Riot Act is obliterated, and every thing that has been for centuries characterized as a tumult or a riot will, by a new construction of the Treason Act, be raised up into the character of a treason. That is my assertion: you will dispose of it by-and-by as to you may seem meet, according to the facts of the case and according to your better view of those facts; but as it is my duty to state to you the conclusion I have formed, and as I have been long labouring to form that which appears to me to be the right one, I own that I am rather indifferent as to the consequences, whether I may, or may not, conciliate other opinions to go along with me. I have on my side universal practice; I have the concurrence of eminent writers; but what is better than all, I have with me the language of the statute of Elizabeth and the statute of George: and I should be glad to hear in the reply, what is meant by *rebellious riots*, unless it be those tumults and disturbances which may carry with them considerable degrees of hostile attitude, of

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excess, of force and violence; but which fall short of treason for want of one of those distinct aggressions, or one of those distinct designs, which is requisite to fulfil the legal denomination of that crime.

Gentlemen, I am conscious that I have occupied a larger portion of your time than the fatigue you have gone through would have disposed you to give me. You have seemed, however, to honour me with your attention; and I flatter myself you have not personated and put on that appearance. You will pause and reflect upon the momentous consequences of the verdict you are to give, for no question of equal importance has been submitted to a jury within the last century. Let us administer the law as it is, and leave it to constitutional authority to create larger treasons if the exigency of the times shall require it; but let it not be done by the verdict of a jury.

Gentlemen, I have nearly brought to a close the whole of what I wish to submit to your consideration. I before said that I should have occasion to state to you some very remarkable occurrences which took place between Castle and Mr. Hunt. I have condemned Mr. Hunt's speech, thinking, as I do, that the mischiefs on the second of December grew out of the irritation of feeling created by Mr. Hunt's speech on the fifteenth of November; but against Mr. Hunt's veracity and general character I have never heard any suggestions. Now I shall shew you that it has been by Mr. Hunt's circumspection alone that he has not been equally made a victim to the indescribable villain Castle. What I allude to more particularly is this: I asked Castle what passed between him and Mr. Hunt in Cheapside, on the second of December; I pressed him distinctly and particularly on the subject; I had my reasons for it. You will recollect that the meeting on that day was particularly appointed to be at one o'clock, and you will recollect that the Watsons went away between eleven and twelve. Now Castle stated, that he told Mr. Hunt that the

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meeting had been broken up, and that was all he mentioned to him. Now I shall call Mr. Hunt, a witness whom the Crown has been afraid to call, who ought to have been called, who is one of the two hundred and thirty witnesses named in the Crown list; because if the flag is evidence of treason against these low conspirators, it is equally so against Mr. Hunt. Why did they not call him to give an account of the prior meeting of the 15th November? But, however, I will call him; and I will prove that Castle met him in Cheapside at half past twelve o'clock, when he was going in his curricle towards the fields. You will have the goodness to remember that Castle, who had been at the Tower at an early hour, stated that he found the gates were shut, and that the sentinels were on their guard in consequence of the meeting. I will prove that he used an expression to Mr. Hunt of this kind: "*The Tower has been in our possession for an hour; go along with us, my boy;*" and if it had, if it so happened that Mr. Hunt had turned his curricle the other way; if he had been seen any where in the mob, in the Minories, or any other place; if he had gone there as a spectator from idle curiosity, Castle would have sworn he was a co-conspirator, and, what is more, you would have found his name in the paper called the C. P. S. which I say is a fabrication of this man; and the paper, the C. P. S. would have been produced to verify the fact that Mr. Hunt has become one of the Committee of Public Safety, as it is to be termed. Can you entertain a doubt, that this detestable falsehood was uttered by this man for any other purpose than that of drawing Mr. Hunt into such a situation as that he might have been made a victim, as having apparently entered into this extraordinary plot.

Gentlemen, there is another transaction by which the infamous designs of this man will be equally manifest. Do you recollect my pressing him very hard to know whether he had dined with Mr. Hunt in Bouverie-street; and whether he had not intruded himself on his company; there

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into a shuffle, but at last we got at the fact that he did dine at the same table. Then I put another question, the drift of which he was aware of, whether he recollected falling asleep or shamming a sleep, in vulgar language, a fox's sleep. The trade of this man is to get hold of victims to be sacrificed; and I hope when this business is over, that the Attorney General will not suffer such a man to roam abroad any longer. I shall prove that he gave that infamous toast—"May the last of Kings be strangled with the guts of the last of Priests." I will prove that he was checked by the company; I will prove that he attempted to talk about the soldiers, and was checked by the company; I will prove that the company said they would leave the room; I will prove that this man shammed sleep for a considerable time; and I will leave it to you to say whether this could be done for any other purpose than that of a hope that Mr. Hunt might let drop some expressions which might afterwards be used against him.

Gentlemen, I am uncharitable enough to say, that I would not put any man into the stocks upon the testimony of Castle, instead of visiting death upon these unhappy men, whose destruction is to be the subject of advantage to himself.

Gentlemen, I had occasion, in the beginning of my address, to read to you a passage from Mr. Justice Foster's invaluable work. It contains a solemn admonition; it furnishes an observation and a maxim which I hope every gentleman and every man of respectability in life will allow me to address to his attention. There may be persons of great warmth of political feelings, who make patriotic speeches in public assemblies, who may mean to inculcate principles which appear to them beneficial to the people, who may wish to keep alive abstract sentiments of liberty, without the slightest idea of unconstitutional aggression against Government. But I think the disclosures made during the course of this trial will furnish a caution for every gentleman in England, and every man of station, to tak-

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care in what company he shall be seen, and not to suffer himself to enter into private conversation with unknown or doubtful characters. Gentlemen, you have seen the paper called the C. P. S. containing the names of individuals, some of whom are of high and respectable stations. You recollect that Sir Francis Burdett was invited to attend the Spa-fields meeting. I have no right to criticise his political sentiments; I cannot presume so to do. You will recollect also that his name has been put down in the C. P. S.; but by whom was it put down? Now if he had ever suffered such a miscreant as this for one minute to be in his company, if he had permitted himself to be alone with him, where might he not now have been? Sir Francis Burdett was prudent enough not to attend the Spa-fields meeting; he excused himself. But if I am at liberty to suppose he might have been there, and if this doctrine of distant, possible, constructive, interpretative, conjectural treason is to be applied upon the testimony of a man whose whole life has been corruption, wickedness, and vice, that honourable baronet might also have been dragged into this conspiracy, and made a partaker in this most extraordinary plot. Gentlemen, can you have a doubt that this C. P. S. has been made by Castle for such a purpose as this? Can you have a doubt that there was an intention to draw Mr. Hunt into it? And if I prove that contrivance, as I shall undoubtedly prove it as to him, I account for the existence of the paper. It will become a very convenient thing to put down the names of gentlemen in such a paper, and afterwards by conjecture to mix them with transactions with which they have no concern, and to make their conduct the subject of question; and therefore, without asking what this C. P. S. meant; whether it is a Committee of Public Subscriptions, or a Committee of Public Safety, I know not; but I account for it on a theory which coincides with the conduct of Castle as a seducer and informer.

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Gentlemen, I cannot but express the sincere gratitude which I feel, for that great length of indulgent attention, with which you have been pleased to honour me in the course of this discussion. I have now concluded the arduous duty imposed upon me in satisfaction of my own intentions, though I have not been able to execute my own intentions in the manner I had originally proposed, nor with an effect at all satisfactory to myself; but I have done what belongs to me; I have stated what I think, with that independence which I will never yield to any person, and which I will never omit to exercise in any place, or upon any occasion, where I may conceive it to be my duty unrestrainedly and fully to deliver my sentiments. Those sentiments I have delivered; and I shall sit down with repeating a proposition, which I am afraid I have repeated too often before, that if these transactions, even if they were more credible than they are, even if many parts of them were proved, instead of being in the condition of not being proved, are, by conjecture and interpretation, to be exalted and magnified into constructive and interpretative levying war against the Crown, the pure and genuine, the settled, and the hitherto undoubted exposition of the statute of Edward, will give way to an arbitrary and capricious exposition of it, which will be absolutely incompatible with the free agency of British subjects.

Lord Ellenborough. Brother Copley, will the witness you propose calling occupy any considerable time?

Mr. Serjeant Copley. I think his examination will not occupy a considerable portion of the time; but perhaps it will be better to take it all together in the morning. I do not think it will materially break in upon the day.

Lord Ellenborough. Then we will take it to-morrow morning, if you please.

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COURT OF KING'S BENCH.

Saturday, 14th June 1817.

[*James Watson was set to the Bar; and Arthur Thistlewood, John Hooper, and Thomas Preston, in the seats immediately behind.*]

EVIDENCE FOR THE PRISONER.

Henry Hunt, Esq. sworn.

Examined by Mr. Wetherell.

Q. IS your name Henry Hunt?

A. It is.

Q. Do you live at Middleton Cottage, in Hampshire?

A. I do.

Q. Have you had any subpœna served upon you by the Crown, to attend as a witness on this prosecution?

A. I have not; I expected it, but I have not; I beg to add, that I have had a subpœna served upon me for the prisoner.

Q. You were present, I believe, at the first Spa-fields meeting?

A. I was.

Q. Was that upon the 16th of November?

A. The 15th.

Q. Did you make a speech to the persons assembled round the house called Merlin's Cave?

A. I did; but not that speech that was reported in the Times and other newspapers; I beg leave to add, nor any thing like it.

Lord Ellenborough. Answer the questions; do not wander.

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Mr. Wetherell. After the speeches were closed, was there a motion put to adjourn the meeting to a future day?

A. There was.

Q. What was the adjournment day first proposed?

A. I am not positive; it was some day after the meeting of Parliament.

Q. Did any person, and who, afterwards propose an alteration of that day?

A. There was a person.

Q. Do you recollect who proposed the alteration?

A. I do.

Q. Who was that person?

A. The younger Watson.

Q. Do you recollect the father of the younger Watson saying any thing upon that subject, when his son proposed the alteration of the day?

A. I do.

Q. What did the elder Watson say?

A. He endeavoured to prevail upon his son not to propose it, it being too early; the other was esteemed a much later period, and he thought meeting in a fortnight's time, he said, was a great deal too early and unnecessary.

Q. Were they both standing near you at this time?

A. Side by side.

Q. Did this take place in any room in the Merlin's Cave, or where did it take place?

A. At the window of the room in Merlin's Cave.

Q. Before the younger Watson proposed the alteration, had the elder Watson said any thing upon the motion first proposed?

A. The elder Watson had addressed the people, but I do not recollect whether he had said any thing upon that motion of adjournment or not.

Q. When you first proposed the adjournment, and

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before the younger Watson proposed an alteration, who seconded the original proposal?

A. I beg leave to qualify that answer; first of all by saying, that I did not first propose it; there was a general cry for an adjournment; it was not anticipated, but there was a general cry 'adjourn the meeting.' Then I proposed an adjournment, either to the second day or the second week after the meeting of Parliament.

Q. Then having proposed the adjournment of the meeting to the first or second day after the Parliament met, who seconded your proposal?

A. I do not know; it was one or the other.

Mr. Justice Abbott. The second day or the second week, you are not certain which?

A. No; it was either the second day or the second week, but I cannot be sure which.

Mr. Wetherell. You yourself were standing then at the window, with the two Watsons close to you?

A. The younger Watson at my right hand, and the elder Watson close to him; in fact, the younger Watson pressed between the father and me, to get to the window, and he was opposed by the elder Watson, not only by words, but an endeavour to keep him back by a gentle force. I beg leave here to add, that the younger Watson, in my hearing, was sent forward from the back part of the room to propose this motion, by some person who sent him forward; therefore the father and myself having heard this, induced us both to endeavour to prevail upon him not to make such a motion before he began.

Q. Where did you dine on the 15th, the day of this first Spa-fields meeting?

A. At Cooper's hotel, in Bouverie-street, the inn which I was staying at?

Q. Do you know the christian name of Mr. Cooper?

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A. I do not, but I believe it is Robert; I cannot swear to it.

Q. Be so good as to look at that printed list, and see whether that is the description of the hotel where you dined?

A. "Robert Cooper, of Water-lane and Bouverie-street;" that is the description; one part of the hotel is in Water-lane and the other in Bouverie-street.

Q. Do you know a gentleman of the name of Bryant?

A. I do.

Q. Have you known him for some time?

A. Four or five years; Mr. William Bryant.

Q. Did you expect to meet him there to dinner?

A. He had engaged to order dinner for himself and me, to dine together at five o'clock, a day or two before; I expected to meet him there on private business.

Q. You had private business with him?

A. I had.

Q. Had you invited a person to dine there of the name of Castle; Mr. John Castle?

A. I had not invited any such person, nor did I expect any such person.

Q. At what hour had you proposed to dine?

A. At five, I believe it was.

Q. When you got to the Bouverie-street hotel, did you, in fact, see Mr. Bryant there?

A. I found him there with his son, a little boy.

Q. Had the dinner been ordered by him, or did you ring and order it?

A. He told me he had ordered three whitings and chops for us three; the cloth was spread for three.

Q. Before you sat down to dinner, do you recollect Mr. Castle coming into the room?

A. I do.

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Q. Was it a public coffee-room, or dining-room, or a private room?

A. A private room, not the public coffee-room.

Q. Did Mr. Castle come into that room?

A. He did.

Q. Did any other persons come with Castle?

A. Many.

Q. Who were they?

A. I did not know them all.

Q. Be so good as to state who they were?

A. The two Watsons.

Q. Those you did know?

A. Yes, Thistlewood, Castle, a young man by the name of Clarke, who presided as chairman of the public meeting, and I think several other persons.

Q. Did Castle come into your room in consequence of your desiring him to come in?

A. Certainly not, I did not know him; I only know now that he is Mr. Castle.

Q. Did all those persons come into the room with Castle?

A. They did.

Q. Did you desire any of those persons to come into your room?

A. Certainly not.

Q. When they came into the room, did Mr. Castle or any other person, say any thing on the subject of dinner?

A. If you will give me leave to explain it; I was not surprised to see the parties come into the room; I was not surprised to see the Watsons and Thistlewood come into the room, although I had not invited them, it being usual and common, after public meetings, that those who have taken a part in the meeting should meet together afterwards.

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Q. You say you were surprised that this Mr. Castle made his appearance?

A. Yes, and several others, and remonstrated, as well as Mr. Bryant, and said, that this was our private room, and that our dinner was just coming; and gave them a hint that it was necessary they should retire.

Lord Ellenborough. Did you desire them to retire?

A. No, not desire them to retire, but gave them a hint that our dinner was ready.

Mr. Wetherell. Be so good as to recollect whether you had ever seen Mr. Castle before that day?

A. I do not think I ever had, to my knowledge; I might have, but I never recollect seeing him till I saw him with the flag in Spa-fields.

Q. On that day?

A. Yes.

Q. What did this same Mr. Castle do with his flag in Spa-fields?

A. The first time I observed him, he was unfurling a flag, and fixing it on a pole.

Q. Did he do any thing else with the flag?

A. He brought the flag, after I was in the Merlin's Cave, and fixed it at the side of the window; I believe it was he.

Q. Having fixed the flag on the side of the window, where did Mr. Castle station himself afterwards?

A. I saw nothing more of Castle, to my knowledge, till he came into the room in the evening.

Q. On their coming into your room, did they, in consequence of what has been stated by you, retire or not?

A. Possibly some of them might; but some person, I do not know which, proposed that they should have some chops. The answer of myself and Mr. Bryant was, that we had only one dinner provided for three, and therefore so many of them could not partake of it. One of them

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immediately proceeded to the bell, who I believe to be Castle, and rung the bell, and said, We will order some beef-steaks, or something of that sort; and upon the landlord or the waiter answering the bell, they immediately ordered, I think, fish and beef-steaks to be added to our dinner. The cloth was laid, and we were soon seated.

Q. Do you believe that the person who rung the bell was Castle?

A. I believe so, to the best of my recollection.

Q. Was Mr. Castle at this time in liquor?

A. As far as my judgment goes, not in the least.

Q. Did his manner of speaking or his gait, betray any symptoms of a man in liquor?

A. Extremely officious, but not at all in liquor; forward and officious, but not at all in liquor.

Q. This postscript being added to the dinner, how many of you sat down to dine?

A. I should think ten or a dozen; I do not swear to the number exactly, but I believe ten or a dozen; there were several persons there whom I did not know.

Q. Was the elder Watson one of those who sat down to the party?

A. He was.

Q. Was the younger Watson one of the party?

A. He was.

Q. Was Thistlewood one of the party?

A. He was; I had seen them the day before, and they had made me acquainted with their names; those were the names they gave me; I had seen them for the first time the day before.

Q. Mr. Castle, I presume, having invited himself, he sat down to table too?

A. Oh, yes.

Q. Was the King's health drank after dinner?

A. It was; Mr. Bryant, who sat at the head of the table,

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as soon as the cloth was removed, drank the King; I added better not give any toast at all; he gave the King, and it went round, till it came to Castle.

Q. To the best of your recollection, did the prisoner, the elder Watson, fill a glass to the King, or take the bottle as it passed by?

A. I saw that it passed all round almost, all but one; Clarke was next to me on the right hand; Castle the next; so that it passed all round the table without any remark, till it got to Castle.

Q. It performed the revolution of a circle till it got to Castle?

A. It did.

Q. When it got to Mr. Castle, what occasioned the circle to stop with him?

A. Oh, it did not stop, not immediately; Castle began in a very loud tone, "May the last of Kings be strangled;" I jumped up and stopped him; I rose from my seat and stopped him, in rather a determined way, saying, no such language as that should be used in my company.

Q. What said Mr. Castle to this?

A. He followed on by saying something about the guts of the last priest; this was reprobated apparently by the whole party, particularly by Bryant, myself, and the elder Watson.

Q. Did this same Mr. Castle introduce any military subject at your dinner party?

A. I beg leave to add, that upon this, Mr. Castle made a sort of apology; he made an apology.

Q. Did Mr. Castle introduce any military subject of conversation?

A. Sometime in the evening afterwards, he burst out, "Damn me, the soldiers are our friends;" upon which I said, "Pray Sir, what have we to do with soldiers here;" he intimated that he had had frequent conversations with

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them; my answer was, "More fool you," or something to that effect.

Q. In short, you gave him a good smart hint, did you?

A. If you call that a smart hint; whether upon this occasion or not I do not recollect, but upon one or more occasions, he was expostulated with by the elder Watson, for his violence.

Q. Do you mean one or more occasions in the course of that evening?

A. Yes, on one or more occasions; whether on this occasion I cannot recollect.

Q. You speak of the same evening, not of any other evening?

A. Of the same evening.

Q. Do you recollect whether this good man said any thing about French prisoners?

A. Yes, he was the general spokesman for the evening; he was intruding himself on every occasion.

Q. Do you recollect his saying any thing particular about French prisoners?

A. He related a story, that he had been concerned and had been instrumental in taking two French prisoners out of the country.

Q. Do you recollect the particular account which he gave of that business?

A. Yes, for which he said he had been imprisoned two years in Maidstone Goal; I intimated across the table, to the younger Watson, "Pretty company you have introduced us here to, Mr. Watson, pretty company you have introduced us here to;" Bryant added, "Yes, pretty society we have got into, indeed," or words to that effect.

Q. Do you recollect Mr. Castle saying any thing?

A. I beg leave to say, that I recollect he said he had received five hundred pounds for carrying those French prisoners out of the country, or something to that effect;

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I think five hundred pounds was the sum he mentioned, and that he was to have had four or five hundred pounds more for taking another, for aiding in the escape of another French prisoner in Wales, but he was disappointed.

Q. Is that all that you recollect on the subject?

A. That his disappointment arose from this circumstance, that he could not get this man to ride on horseback; this French prisoner; that he had carried him a considerable distance in a cart, when he found it necessary to place him on horseback. He refused to ride, "upon which," said he, with an oath, "I drew out a pistol, and I hesitated, or I waited for some minutes, to know whether I should blow the bloody villain's brains out or not: I had a damned good mind to shoot him."

Q. He said, "I had a damned good mind to shoot him?"

A. Yes, or words to that effect; that he hesitated for some time.

Q. Do I understand, that he said he did not succeed in getting him off?

A. He did not, and that was the reason he was obliged to give it up; upon this Bryant and myself, I believe both of us, appealed to Watson, or some of the party, and represented the necessity of their taking their friend out as soon as possible—of their taking their friend away. I believe upon this occasion, the younger Watson, the first time, or the only time almost that he spoke in the evening, attempted in some measure, to justify the carrying of French prisoners out of the country; I think it was the younger Watson, or some one of those whom I did not know, attempted to justify his assisting in the escape of the prisoners: I have the more reason to think it was the younger Watson, because the elder Watson reproved him.

Q. After this, do you recollect whether this same Mr. Castle became less talkative than he had been?

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A. He produced the flag which I saw in court, that had been in Spa-fields; this flag he pulled from under his coat, with an exclamation—a vulgar exclamation, that that was his flag, and he would part with it but with his life; that he would have his heart cut out (those were his words) before he would ever part with it.

Q. Are you sure of the expression, that it was *his* flag?

A. That it was his flag, or that he had carried it; but he said he had got it in his possession, and that he would part with his life before he parted with the flag; that it was in his possession, and he would never part with it; and I think at this time, he told us the story about the Spital-fields weavers having made the silk, and his having prepared the rest of the flag; I think that was the substance.

Q. Did you say any thing to him?

A. I said "Pray, Sir," for I did not know his name then, "Pray, Sir, who do you think would attempt to take this flag; let me see it;" it was then spread out, and I read the motto, "Nature to feed the hungry; Truth to protect the oppressed; Justice to punish crimes;" I think that was the motto: it is the same motto as has been read; upon which I observed, I see no harm at all in this flag, or the motto, and "I am surprized at your violence about keeping the possession of it," or words to that effect. I believe that this occurrence took place previous to the history of the carrying out the French prisoners; he then produced two or three knots of ribbon cockades, apparently of the same colour as the flag, and he offered me one of them; and I refused, saying, "You had better give it to your sweet-heart, if you have got one, Sir," or something of that sort; he offered it then to Mr. Bryant, who said, "Oh, yes, I will take it, it will do for my pretty little maid," or something of that sort, and put it into his pocket; after the history of the French prisoners, I got up and declared that he should go out of the room, or me, and as I represented

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before stated, to Watson, the necessity of taking this fellow away.

Q. What did he do then?

A. I believe I should have proceeded to have endeavoured to have turned him out of the room, upon which, either Mr. Bryant, or some other person, said, "We had better not make any bustle," or something to that effect; upon which I declared, that if he uttered one more sentence while I was there, that he should go out of the room, or I would, or words to that effect, if he uttered one more sentence of that nature; upon which he expressed contrition; in some way he expressed a sort of contrition, and said no more; other conversation then having taken place, in a very few minutes afterwards I saw him rolled up in his chair, sound asleep.

Q. Was this what is commonly called a fox sleep?

A. At first I expressed pleasure that he was silent; soon after this, one of his friends I observed endeavouring to awake him, by shaking him; upon which I said, "for God's sake let that fellow alone, he is best as he is," or words to that effect; some of the company then proposed going, and I desired the first that went that he might be awoke and taken out with them, or words to that effect; his friends endeavoured to awake him again, but without success, although considerable violence was used; upon which I got up to assist to wake him, and I used no gentle means, for at that time I was thoroughly convinced his sleep was a sham, and saying, "come, this fellow shall go," I struck him a blow under the ribs, here, almost as hard as I could strike; quite enough to have knocked any common man down; but it made not the least impression upon him; he sat as still as if he had been dead. I gave up the attempt to wake him, and with the full impression upon my mind, the thorough conviction in my mind, that it was a sham sleep, I rang the bell, and ordered the bill; the bill

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was cast up by Bryant, the parties paying their money, which amounted, the dinner and the wine, to I believe between five and six shillings each.

Q. Had Castle drank wine enough to make a man, what is commonly called, dead drunk?

A. The dinner was charged three shillings a head; and I will leave it to you, or to any man, whether the remaining two shillings or two and sixpence would make a man drunk; but I will say upon my oath, that no man in that room appeared to me the least intoxicated. Upon my expostulating with the elder Watson, about bringing such a fellow into the room, and upon his conduct, Watson said, he was a very good fellow, that he was an excellent fellow, and he hoped I would take no notice of it; and he appeared to have the greatest confidence in him; upon which the whole party got up, put their hats on, and assisted, and Mr. Castle was as wide awake as I am in an instant.

Mr. Justice Abbott. They assisted in what?

A. They got up, and took his chair from under him, or something or another.

Mr. Wetherell. Then he came to himself again, did he?

A. Perfectly.

Q. Do you recollect coming to town to attend the second or adjourned Spa-fields meeting?

A. I would beg leave to say another word: the next morning, either Watson, or some one of the party—

Mr. Attorney General. My Lord, I apprehend that cannot be evidence.

Mr. Wetherell. Certainly not. Do you recollect coming to town to attend the Spa-fields meeting on the 2d of December.

A. I do.

Q. What was the proposed hour at which the meeting on the 2d of December was to take place?

A. I came on the Friday, the meeting was to take place

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precisely at the same hour, by the resolution that had been unanimously carried at the meeting, at one o'clock precisely; a resolution that had been passed at that meeting, and which was, I think, in most of the public papers I saw, advertised, put in with the occurrences of the day.

Q. In order to go to Spa-fields meeting, did you pass along Cheapside? Do you recollect what day of the week the 2d of December was?

A. On Monday. Yes, I did, and I beg leave to account for that.

Q. Be so good as to proceed?

A. I had reason to suspect—

Mr. Attorney General. We cannot hear what reason Mr. Hunt had to suspect.

A. To account for how I came into Cheapside.

Mr. Wetherell. It is the explanation why he was there—

Mr. Justice Bayley. It is no matter of enquiry here why he was in Cheapside. Do you feel it to be material to your case, Mr. Wetherell?

Mr. Wetherell. No, my Lord.

A. It was in my way—

Mr. Wetherell. You need not give your reason; but in point of fact, were you passing through Cheapside, in your way to the meeting?

A. I was; I came out of Essex.

Q. Were you going from the Mansion-house towards Newgate-street?

A. I was driving a tandem.

Q. While you were passing along, did Mr. Castle come up to you?

A. I observed a considerable crowd passing along towards the Mansion-house, on each side of the pavement, on the pavement.

Q. Did Mr. Castle come up to you?

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A. Castle left the crowd, and came out into the street to me, and stopped me; he ran up to the carriage.

Q. In what part of Cheapside was this?

A. Fifty yards on that side what I think is called Bow Church; it is where the clock is hung out.

Q. Now attend to this question; did you see or beckon to this man to come up to you, or did he come up to you of his own accord?

A. I certainly was driving rather slow, and looking out for information of what was the cause of the crowd?

Q. Did he come up to you?

A. He did come up to me, but I do not recollect that I ever beckoned to him; I met his eyes as he came out of the crowd—he came up and stopped me—I very readily stopped.

Q. What did he say to you?

A. "For God's sake how came you so late to-day to the meeting?" or "so much after your time," or something to that effect.

Q. What did you say to that?

A. "After my time!" I turned round and looked at the clock, and I observed, it wanted twenty minutes, or nearly twenty minutes, of one. I observed, "it wants twenty minutes of one by the clock;" and I pulled out my own watch, and observed that it wanted nearly a quarter of an hour by my own watch. I was all in good time.

Q. What further said Mr. Castle?

A. He said "Oh! the meeting has been broken up these two hours; we are going to the Tower, which has been in our possession for more than an hour—come along—come along." I struck my horses, and exclaimed—"Damned scoundrel," and went on; if he had not got speedily out of the way, one of the wheels would have knocked him down.

Q. You drove then on to the Spa-fields meeting?

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A. I passed on to the Spa-fields meeting, which was much the largest I ever beheld, the greatest number collected together I ever beheld.

Q. At that time?

A. Yes, at that time.

Cross-examined by Mr. Attorney General.

Q. I have only one or two questions to put to you; you have told my learned friend, that you do not recollect all the persons that were at that dinner?

A. I do not.

Q. Very likely Hooper was there?

A. I have reason to believe that Hooper was there; but I do not recollect it.

Q. Do you know whether Preston was there?

A. He was not; I had seen Preston the day before, and I knew him enough to say that he was not.

Q. How many persons were there to dinner; about how many?

A. I should think ten or twelve; there was a considerable room full, of whom I knew Bryant and Clarke, and some others.

Q. It is very likely you did not know them all?

A. I knew eight or nine of them, by name.

Q. How long was it from the time that you assembled to dinner, or that they came in in the way you have stated, till you parted?

A. I should think nearly two hours and a half, or three hours; as nearly as I can recollect, it was from half past five perhaps to eight o'clock; I should think it was as late as that.

Q. The adjourned meeting was to take place at one o'clock?

A. Yes, at one o'clock, which did take place at one.

Q. It was known that it was agreed on the first day that the adjourned meeting was to take place at one o'clock?

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A. At the same hour as we had assembled the first day, which was one o'clock.

Q. That was known?

A. Oh, yes it was.

Q. Did the Watsons know that?

A. Oh, yes, all parties knew that; from my own knowledge I have no doubt that they knew it.

Q. It was so stated?

A. Yes, they heard it.

Q. Did you state at the first meeting that you should be there at one o'clock?

A. After the resolution had passed, I stated that I should be there precisely at the time.

Q. At the first meeting, when the resolution had passed to hold a second meeting, at the same hour as you had held the first, you said you should be there at the time appointed?

A. I did.

Q. That was one o'clock?

A. Yes.

Q. You held out an expectation to the persons who were at the first meeting, that you would be at the second at the hour of one?

A. Yes, I have no doubt that they understood it so, and the result proved it; that is the greatest reason I have.

Q. That was generally understood and known?

A. I believe so; and my great reason for this belief is, that when I came there at this time there was an immense assembly.

Q. Very good—I have no doubt of it—were you alone when you were in your tandem?

A. I was not; I had my servant with me.

Q. Where had you come from?

A. From Wanstead, in Essex.

Q. You had come from Whitechapel, I suppose—from that quarter of the town?

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A. Yes; I do not believe I was over that way before; I went out of town to avoid any communication with any human being?

Q. I do not cast any imputation upon you.

A. I suppose not, but I take the liberty of mentioning that, for the purpose of preventing its being misunderstood.

Mr. William Bryant sworn.

Examined by Mr. Serjeant Copley.

Q. Are you acquainted with Mr. Hunt?

A. I have been for about four or five years.

Q. Did you dine with him on the 15th of November, in Bouverie-street?

A. He wrote to me to come and dine with him on the 15th of November, in Bouverie street.

Q. Did you, in consequence of that, meet him there.

A. I went there on the morning of that day, and I saw he was engaged; and seeing that, he said, "You had better come and dine with me at five o'clock."

Q. Was that an appointment on private business?

A. It was.

Q. Did you afterwards dine there?

A. I went at five o'clock.

Q. Did Mr. Hunt afterwards come in?

A. He did. There was dinner ordered only for three persons; my son, a little boy I had in town, myself, and Mr. Hunt.

Q. What time did Mr. Hunt come in?

A. Some time after five o'clock.

Q. After he came in, did any other persons come?

A. He came first, then came six or eight other persons.

Q. How soon afterwards?

A. Almost immediately at the heel of him.

Q. Do you know the person of Castle?

A. I do. I saw him again the day before yesterday

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here, which was the only time I have seen him, except that.

Q. Was he one of them?

A. He was.

Q. Without going through the whole of what passed on that occasion, did Castle and those other persons dine with you?

A. Yes, very much against my inclination.

Q. In point of fact they did dine with you?

A. Yes, Mr. Castle went and rung the bell himself, and ordered additional dinner, and the landlord came into the room.

Q. But dinner being ordered, he, in point of fact, did dine with you?

A. He did.

Q. In what state was he at the time when he came in; was he sober, or in any degree intoxicated?

A. I think he was perfectly sober; I did not see any thing to lead me to think he was in a state of intoxication.

Q. Did he appear as if he had been drinking?

A. No, I did not think he did; by the remarks that he afterwards made.

Q. After dinner, and when the cloth was removed, were there any toasts given; and if so, what was the first toast?

A. I objected at all to stay, without I myself took the chair.

Q. Being in the chair, after dinner was over, did you give any and what toasts?

A. I gave the first toast, "The King."

Q. Was that toast drank by the party?

A. It was drank by all of them till it came to Castle; this man he objected to it, and said he would not drink any such toast; and he gave a toast, "May the last of Kings be strangled with the guts of the last of Priests." Upon which, I remonstrated very much; and, in short,

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stated to Mr. Hunt, who sat on my right hand side, that he ought to be turned out of the room. Mr. Hunt upon that interposed, and so did the prisoner Watson.

Q. How long was it after this toast was propounded by this man that you addressed him?

A. Immediately.

Q. How long was it after you addressed him that Mr. Hunt interposed?

A. Almost immediately. He replied to me, that I perhaps did not know how much he had been injured by the Government of the country. He then stated, to the best of my recollection, that he had been confined two years in some country gaol; whether it was Maidstone or not, I will not be positive. I asked him for what; he said for carrying off French prisoners.

Q. Did he tell you how many French prisoners?

A. I think he did mention some number; but I recollect particularly that he stated, that one of them that he was about to get off, when he got nearly to the place of his destination, when he was about to get on board the vessel, would not get on horseback, and that he had a great mind to shoot him. Some farther conversation followed this; he began then to talk about soldiers a little while after this, and I again remonstrated with Mr. Hunt about letting such a man come with him; and Mr. Hunt said, "I must put an end to this sort of language, or you must quit the room;" or, "I will turn you out of the room," or something to that effect.

Mr. Justice Bayley. Was this said by you, or by Mr. Hunt?

A. I remonstrated with Mr. Hunt, and then he said this.

Mr. Justice Abbott. What did Mr. Hunt then do?

A. Mr. Hunt, and I think, Mr. Watson, for I can identify only him and Thistlewood; the other man I do not

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recollect being there. Mr. Hunt and Mr. Watson remonstrated with him about his using such language.

Mr Justice Bayley. You said something about his turning him out of the room, if nobody else would?

A. Yes, something of that kind.

Lord Ellenborough. Did he speak loud enough for Castle himself to hear, do you think?

A. Oh, yes, sufficiently loud; after this Mr. Castle produced a flag, taking it out his side pocket.

Mr. Serjeant Copley. After he had produced this flag, what did he say, or do.

A. I asked him what the colours meant, upon which the prisoner Watson, perfectly in my recollection, for I thought it was something of the French Revolution, or something of that sort; the prisoner Watson said, No, it did not mean any such thing, and he gave a classical definition of the three colours; white, he said, to the best of my recollection, meant truth—green, nature—and the red, justice.

Q. Did Castle go to sleep at any time that evening in the room?

A. He certainly did, on my calling for the bill; for I wanted to get out of the company as soon as I possibly could, and I desired my son to ring for the bill, and upon that occasion he was in a sound sleep in a moment; almost momentarily; when the bill came, of course I wanted to have it collected; it came to about five and sixpence a piece, and something for the waiter, and there were deficiencies of Mr. Castle and some other, and I said to Mr. Hunt, "In order to get rid of this thing, you and I must pay the difference, whatever it is;" and Mr. Hunt desired Mr. Watson to try to wake him, or one of them; I think it was Watson; there was some attempt to do it, but the more they tried to wake him the sounder he appeared to be; at last I said to Mr. Hunt, "You had better get up and shake him; he ordered the dinner, see whether

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he has got any money to pay for it;" but he had no money or any thing else to pay.

Q. Did you succeed at last in waking him?

A. Mr. Hunt did; I did not attempt it, for I got the bill paid as soon as I possibly could, and got away.

Q. Did you go away before he was awake?

A. No, I think I did not; they all went out of the room, and I went away under a promise to see Mr. Hunt the next day.

Cross-examined by Mr. Topping.

Q. Castle had no money to pay for himself?

A. He had not.

Q. Who paid for him?

A. I paid for him, Mr. Hunt and I paid the deficiency between us.

Q. Are you in the law now?

A. I am sometimes; the occasion of my going to Mr. Hunt—

Q. I do not wish to enquire particularly?

Lord Ellenborough. He must have been waked, or you would not have known that he had no money?

A. Yes.

Q. Who awoke him?

A. Mr. Hunt; he certainly went to sleep in a very extraordinary way, and in a moment.

Q. Did Mr. Hunt first attempt to wake him, or how?

A. I think Watson was the first who attempted to wake him.

A Juryman. Did you observe Mr. Hunt strike him?

A. I think he did hit him on the side; I recollect his taking him by the collar, and shaking him.

Lord Ellenborough. Was it wine, or wine and water, that they drank?

A. Wine; I take it upon the average there might be about a pint of wine a piece in the bill.

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Q. How many hours were you together?

A. Probably two hours, or two hours and a half; it was about nine o'clock, or a little after that they went away.

A. What beer had you?

A. Some porter.

A Juryman. How was Castle dressed then, shabbily or decently.

A. Not very well dressed at that time; I think rather otherwise than well dressed.

Q. Not in a way that you would take him to be a respectable man?

A. I should hardly have known the man again; I saw him in the passage the day before yesterday, and he is in a different condition now than he was then.

Lord Ellenborough. How came you to let him stay two hours with you?

A. My Lord, I was in very considerable difficulties; there was a great mob surrounding the place, and I thought if I attempted to put him out I should perhaps endanger the premises, or endanger my own person.

James Wright, sworn.

Examined by Mr. Wetherell.

Q. Have you got a certificate of marriage there?

A. Yes.

Q. What is it?

A. Of John Castle with Elizabeth Streeter.

Q. Did you examine this with any original?

A. Yes, I did.

Q. Where?

A. At the parish church of Saint Sepulchre; I saw it written by the minister himself.

Mr. Wetherell. I wish to have this read, my Lord, as it is to make out the point of bigamy.

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Lord Ellenborough. Let us see what he stated about bigamy.

Mr. Attorney General. If it goes to contradict his evidences, certainly it is admissible.

Mr. Richardson. They must identify the party, I apprehend.

Mr. Wetherell. We will do that, my Lord.

Mr. Justice Bayley. Is this prior to the marriage at Harwich?

Mr. Wetherell. No, my Lord; he said he knew a young lady of the name of Streeter; a young lady of the age of twenty; it is in reference to that.

Lord Ellenborough. Do you object to this, Mr. Attorney General?

Mr. Attorney General. I do not exactly understand, my Lord, in what way the evidence is offered. If it is offered to condradict what Castle said in his cross-examination, there is no doubt it is evidence; but if it is offered to prove a fact of criminality against Castle, I feel it my duty to object now, upon a general principle, and not for the particular purpose of this cause, because I apprehend that all cases criminal and civil, must be tried according to the rules of evidence, whatever be the subject matter of inquiry. If it is for the purpose of proving any particular offence committed by the witness, Castle, I apprehend it is not evidence, unless it is introduced for the purpose of contradicting something which he, Castle, has said; because otherwise a witness would be put upon his trial for offences charged against him, without any opportunity of defending himself.

Lord Ellenborough. Will you have the goodness to give us the words to which this is opposed as a falsification?

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Mr. Wetherell. I submit, my Lord, with great deference, I am entitled to put in this evidence.

Lord Ellenborough. It is offered as a contradiction, I suppose.

Mr. Wetherell. No, my Lord, not as a contradiction.

Mr. Justice Abbott. You offer it to prove a crime.

Mr. Wetherell. Yes, my Lord, two or three crimes; it is not only bigamy but perjury——

Mr. Justice Abbott. Where an objection is made to evidence, it is not usual for the counsel who offers it to do more, in the first instance, than to state that he offers the evidence to prove a crime, and to state so much as is necessary for the purpose of raising the argument.

Mr. Wetherell. Without going more into the particular circumstances, I apprehend I am entitled to prove what I propose to prove. I apprehend that by the rules of evidence, which cannot be totally distinct from the rules of common sense, I am entitled to prove against any man such accumulated infamy of character, as to render that man incredible in his testimony.

Lord Ellenborough. You do not offer the record of his conviction?

Mr. Wetherell. There has been no prosecution for bigamy yet, my Lord.

Lord Ellenborough. You offer no record of conviction.

Mr. Wetherell. No, my Lord, I am not in a situation to offer a record of conviction; having in my examination of Mr. Castle, made him himself admit the commission of a great variety of crimes, I propose to accumulate, upon his own personal admissions, many other crimes. I will not go further into it, as your Lordship has had the goodness to interpose an intimation upon the subject. Your Lordship knows that in respect of a marriage, there may be perjury in affidavits in the Ecclesiastical Court, as well as other offences. I put that only as a speculative example;

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the aggregate of the crime may consist in bigamy. My Lord, I should conceive that the Attorney General will not dispute my proposition, that by the law of England you may prove such accumulated infamy of character, as will render the person incredible. It is said this is like putting the witness upon his trial; many circumstances may interpose to prevent prosecution, which still would not restore him to credit. Castle may have got a pardon from the Crown, to prevent a prosecution for bigamy; the Crown may constitutionally pardon an offence, and consequently I have a right to put it in speculation and in argument, that this man is pardoned; he has admitted to me the expectation of a pardon of another offence.

Lord Ellenborough. You have no right to assume the facts without proof?

Mr. Wetherell. My Lord, I only put it as an argument. I conceive it is no argument against the reception of evidence to prove accumulated guilt, to say that there has been no prosecution.

Lord Ellenborough. It will shorten the discussion, if you will state to us any instance in which such evidence has been admitted.

Mr. Wetherell. Upon the same principle, an objection might as well be made, were I to put a question to a witness to shake his own credibility.—

Lord Ellenborough. And that the witness may refuse to answer; but if he does answer, you must take the answer he gives; that is the doctrine I remember to have heard held by Mr. Justice Lawrence, and which was approved by all the other Judges; that if you put a question of that nature, the witness may object; but if he does not object, but answers, you must take the answer as he gives it.

Mr. Wetherell. My Lord, I am perfectly aware of that; but if a man has committed a crime, and he has received a pardon, or the prosecution has been put an end to, though

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I cannot ask that man as to offences for which he has not been prosecuted, but as to which he is still liable, because I cannot require him to criminate himself, yet if he has committed an offence which has been pardoned, I may compel him to answer as to that.

Lord Ellenborough. The contrary is certainly the case; can you give us some decision on the point?

Mr. Wetherell. I wish to have a case cited by the Attorney General to the contrary. I do contend for this legal proposition, that I am at liberty in a Court of Law, to prove such repeated acts of criminality, as to render the person an incredible witness; that is my proposition, and I call upon the Attorney General to cite me some proposition, or some dictum of a learned Judge, or some precedent, in which the contrary has been ruled. I may ascribe to myself too much confidence; but I can find no such proposition as that for which my Learned Friend must contend, laid down in any law book. I undertake to state it, that no ruled decision has been laid down; such a proposition, that in my practice, formerly not inconsiderable in Courts of Law, I never heard such a decision made; and your Lordship will see in what a situation a man may be, if that is the law; he may be able to prove that a witness is not credible upon oath, and yet may not be able to produce a single record of conviction; but he may be able to prove the same proposition in a more convincing and a more demonstrative manner, by showing an accumulation of criminal acts, each proving the commission of crimes, the demonstration of which operates the effect of that man not being believed upon oath. It would be a strong proposition that you may prove that indirectly, which you may not prove directly; that you cannot prove the facts of accumulated infamy by direct and actual demonstration of evidence; that very conclusion which you may indirectly prove by a person who swears that he is

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not credible upon his oath. My Lord, if I am stating this point too highly and too strongly, I am sure it is with great humility I should oppose my objections to any intimations your Lordships may have the goodness to express to the contrary; but it is one of so great importance, that I do presume to offer it, as one involving the protection of the life and character of every subject in the King's dominions; for if it is held that a witness cannot be incapacitated in matters of credibility, though you can fasten on his character by direct and positive demonstration, the commission of such crimes as that, human justice and human understanding forbid his being heard as a witness, and repel and repudiate as impossible to be true, what such a witness has stated. In how desperate and lamentable a state of destitution will every man be placed in this country, whose life is at stake, if when a witness is called against him, you have it in your power to blacken him from the heels of his feet to the top of his head with criminality, the accumulation of which would render him a person not fit longer to xist in society; not fit to be heard as a witness in a court of law, to utter from his lips any thing to which any person could give the complexion and the character of truths, and yet that by the law of England a prisoner tried for his life upon such testimony, is to be prevented meeting that which the witness may state, by its being said, you shall not prove that man to be so steeped, so dyed in infamy, as that his evidence is totally incredible.

Lord Ellenborough. If you have the record of conviction, we will receive it; but we are not a forum to try collateral crimes, nor have the Courts ever done so.

Mr. Serjeant Copley. Will your Lordship allow me to be heard on the subject.

Lord Ellenborough. By all means.

Mr. Serjeant Copley. I should submit to your Lordship,

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that this evidence ought to be received; the question may be put to a witness, whether he has committed a crime; he may, if he chuses, refuse to answer it; but the only ground on which he may refuse to answer it is, that a man is not bound to degrade his own character.

Mr. Justice Bayley. He is not bound to criminate himself.

Mr. Serjeant Copley. If then you may draw this out of the mouth of a witness, were it not for that single objection, that he is not bound to criminate himself, I ask upon what ground of reasoning is it, that you are not to establish the same fact from other circumstances. It has been said, certainly, from the Bench, and I bow with the utmost deference to what falls from your Lordships, that if a witness answers, you are bound to take the whole answer; and if the witness had answered this in the negative, we should be bound to take it in the first instance; but would it not have been competent in us to call witnesses to contradict him, and to show that his answer is false.

Lord Ellenborough. That you might at a subsequent time, by a trial instituted for that purpose, there can be no doubt.

Mr. Serjeant Copley. Your Lordship sees the situation in which the party stands. I beg leave at present, not to make any reflections on the character of the witness; but I will suppose a man to have committed a great multitude of crimes;—he comes into a Court of Justice for the purpose of giving testimony, affecting the life and character of an individual; he is not convicted of any crime, but he has committed a multitude of crimes; he stands in the face of the Court as a fair witness; if we ask him the question, he may say, I am not bound to answer it; is there then no way in which we can affect him; if we offer to prove the fact, are we to be shut out of that; your Lordship sees that would go to exclude all that testimony which is so

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material in the investigation of truth, namely, for the purpose of ascertaining what degree of credit is due to a particular witness; the consequences, in my judgment, are enormous to which that would lead; it appears to me they are alarming to the administration of justice; it appears to me, that if this evidence is excluded, every man's life is at the mercy of a man, however infamous.

Lord Ellenborough. Has evidence of this nature ever been admitted.

Mr. Serjeant Copley. My Lord, I have not had an opportunity of looking at the cases. I did not suppose it would be questioned; but if no case is cited against me, then I rely upon those arguments which I have humbly addressed to the Court; I rely upon those principles of right reason that have not been repelled, in this instance, and which compel me, most forcibly, to repeat my firm conviction, so far as my judgment goes, that this is evidence which ought to be received.

Mr. Attorney General. My Lord, notwithstanding the firm conviction of my learned brother, who has addressed your Lordship——

Lord Ellenborough. I do really think this is so very clear a point, that without any precedent, the Court would be wasting public time if they should call upon you to reply. The Court sit for the trial of the veracity of witnesses, with such means as they have, and the Court indulge free cross-examination upon such subjects; but when there is imputed to a person a crime, of which he may be convicted in the due course of law, the Court have but one medium of proof—that is the record of conviction; and every person who attends the several tribunals where justice is administered, either on the circuits, or at *nisi prius*, knows how frequently, in consequence of not having the record of conviction to produce, the evidence is lost. The rule of law, I have always understood to be,

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that if you would prove a witness guilty of a crime, you must produce the record of conviction; if you have no such record of conviction to produce, to disqualify him, he is admitted. You may ask him whether he has been guilty of such a crime, improperly asking him in a degree, because you are calling upon him, upon the sanction of his oath, to answer that which he is not bound to answer, for no man is bound to criminate himself; but if he does, from a desire to exculpate himself from the imputation of crime, give an answer, it has been held by many of our judges, and I never knew it ruled to the contrary, that having put such question, you must be bound by the answer. The Court is not a Court to try collateral questions of crime, and it would be unjust if it were; for how can the party be prepared with a case of exculpation, or an answer to any evidence which may be produced to charge him; there is no possibility of a fair and competent trial upon that subject, and therefore, in no instance, is it done. In this case it has been pressed upon us, that we are violating the first principles of law, when there is not a case to be suggested in which such a principle of law has been laid down. I protest against this mode of addressing the Court. I protest against this mode of arguing the case.

Mr. Justice Bayley. I have no doubt at all upon this point. This is not the first time I have had occasion to consider it; and it seems to me it would be impracticable to carry on the administration of justice, provided evidence of this description were to be received, because upon one single trial you might be trying fifty different felonies, and the Jury might have to decide, first, whether the first witness called on the part of the plaintiff, or on the part of the prosecution, had committed a crime at York or not; next, whether another witness had committed another crime in another place or not, and thus a Jury empanelled to try

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one simple question of fact, would have their consideration withdrawn from it, to be looking into twenty, thirty, forty, or fifty different crimes, for that is the extent to which this may be carried. The rule I take to be this, if you can prove that the party has been convicted of a crime which incapacitates him, you may produce the record of his conviction, and prove that he was the same man that was convicted, and then he cannot be heard in a court of justice. If you cannot do that, you are at liberty to call witnesses to prove, that they know that man, and that from what they know of his general character, he is not to be believed upon his oath. You are at liberty to give general evidence of that description; but you are not at liberty to enter into the discussion of particular facts and crimes.

This is laid down by the only elementary book upon the subject, which I happen to have in my hand; a modern book, and certainly an extremely good one, Mr. Phillipps's Treatise on the Law of Evidence; and I have no doubt, that some of the persons who have been discussing this question before us, must have known that this is not that clear case or that indisputable case, which their argument seemed to assume that it was. The rule there laid down is this, "The party against whom a witness is called, may disprove the facts stated by him, or may examine other witnesses as to his general character; but they will not be allowed to speak to particular facts or parts of his conduct," that is, they will be at liberty to say that he is a man not to be believed upon his oath; but will not be at liberty to say that at a particular time he committed a particular offence, for that a reason is given, "for though every man is supposed to be capable of supporting the one," that is his general character, "it is not likely that he should be prepared to answer the other without notice; and even if he should happen to be prepared to defend

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himself, such evidence would generally afford a very slight and imperfect test of his credibility;" and to apply that to this case, or to apply it to any other, the parties have an interest in the testimony of the different witnesses who are called, they are to come prepared to support the general testimony of the witnesses whom they call; but how can they know what particular facts may, by possibility, be alledged against particular witnesses who are called; the thing may come upon the witness by surprise, he not being questioned to it; whereas he might have been able if he had been previously apprized on the subject, to have produced witnesses to shew, that although there was *prima facie* evidence of the charge, yet it was in reality only a *prima facie* case which might be entirely answered; and therefore, for the reasons which I have stated, the counsel are not at liberty to go further than into general character, they cannot go into particular facts, they may do this with respect to particular facts, they may ask the witness himself, but then they must stand or fall by his answer; if they ask him, whether he has committed a particular crime or not, he has a right to demur to the question, and to claim the protection of the Court; he has a right to say, I do not chuse to answer that question because it will criminate myself. That is afterwards submitted to a jury, as throwing discredit upon the testimony of the witness, and therefore it is not entirely without its effect. When you ask a witness, as to whether he had not or did not commit a particular crime, perhaps it would be laying it down rather too largely to say, you may discredit him if he refuses to answer, it is for the jury to draw what inferences they may. With respect to this particular case, I think the counsel for the prisoner are not at liberty to go into particular facts, to shew that the witness ought not to be believed upon his oath, they may go into general evidence.

Mr. Justice Abbott. I am also of opinion, this evidence cannot and ought not to be received; and I am of opinion

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that if the Attorney General had not objected to its admissibility, it would have been the duty of the Court to have interposed to prevent its being received. There are many occasions where a counsel would rather allow evidence to be given than make his objection; but I am not aware that any case can arise, in which the Court ought not of itself to prevent the reception of evidence which, according to the law of the land, ought not to be received; and I am of opinion that this evidence is of that nature.

I confess I was somewhat surprised to hear one of the very learned advocates for the prisoner suggest, that he had not prepared himself to expect any opposition would be made to the admissibility of this evidence. It has been within a very few years last past made very much a question and matter of discussion, whether it is competent, on cross-examination, to ask a witness whether or not he has committed any crime, or to ask him any question tending even to his disgrace and his disparagement; that has been much a question. The question is discussed at some length in the Treatise on the Law of Evidence, published by Mr. Peake, in the last edition of his book. Reference is there made to what is said by Lord Chief Justice Ireby, on the occasion of a trial for high treason at the Old Bailey in the time of King William, where he said, No question could be put to witnesses, the answer to which might bring them into discredit or disparagement. Not very long ago, I believe within two or three years, not very long before I quitted the bar, upon occasion of a trial in the sittings before the late Lord Chief Baron, than whom certainly a more learned or a more humane judge never sat upon the bench, a question was put to a witness by a learned gentleman, who was then of counsel for the defendant together with me; I do not remember the precise question, and therefore I will not say whether the answer to it tended to accuse the witness of a crime, or tended only to his dis-

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credit, but I think it was the latter; it is not impossible the Attorney General may recollect it. Whatever the question was, the Lord Chief Baron did not allow it to be put; and in order to bring the point of law, namely, the right on cross-examination to put such a question to a decision by the highest tribunal in the country, namely, the House of Lords, a bill of exceptions was drawn and prepared, but it has never been proceeded in.

It has been the constant course to call a witness to say, I have known such an one for years; I have known his character, and I would not believe him upon his oath; but no witness, who is called to give that testimony, has ever been allowed to say, my reason for it is, because I know the man has done so and so; that has been uniformly excluded; the general assertion has been received, but the particular reason upon which the witness might come to that conclusion, namely, that he knew the witness to have committed such or such an offence, has never been received.

What is the nature of the evidence offered upon the present occasion, and to what would it lead? It leads to try here, by the Gentlemen of the Jury here impannelled upon this occasion, whether or not the witness produced (no matter whether on one side or the other) has committed a crime; and if the Gentlemen of the Jury are to try that question, they may be called upon to sit here from day to day, for a period of time which it is impossible to foresee the length of, in order to try a similar question, which may be propounded with respect to every witness that has been or shall be called either on the one side or the other. That would impose upon the Jury, impannelled for a particular purpose, a burthen which, in the administration of justice, certainly ought not to be cast upon them. But further, the rules of evidence are the same in criminal as in civil cases, whatever ought not to be received in the

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one, ought to be rejected in the other. How can the witness or the party, whether defendant, prosecutor or plaintiff, who has an interest in that evidence, come prepared with evidence to rebut that presumption of guilt, which another party may come beforehand prepared to lay before the Court.

For these reasons, without going more at length into the subject, I am clearly of opinion this evidence ought not to be received. I am not aware that it was ever tendered on any former occasion; I am quite sure, that if it had ever been received, to the knowledge of the learned Gentlemen who offer it, they would have furnished some authority to support their argument.

Mr. Justice Holroyd. I am also very clearly of opinion that this evidence cannot by law be received; if it could be received, it is very much to be regretted, that having been frequently tendered, it should not have been decided that it was legal evidence, for every one must see, in criminal cases especially, the very great importance on the part of the prisoners, of offering evidence in order to incapacitate witnesses against them; and the circumstance of there being no such evidence received, is in my mind a very pregnant argument that it cannot be received; but it is not the first time that the question has arisen, or that such evidence has been rejected. Besides the great inconvenience, there would be an absolute impossibility of coming to the truth and justice of collateral issues of this nature; how is it possible for any witness, or the person who produces him, not knowing what objections may be stated as to his life or character, to come prepared to explain, and to do away all those things which may be stated against him, and which may raise a *prima facie* case of guilt, but which, if he had previous notice, he might be able by other witnesses to explain, and to shew there was no truth in the fact alledged. The effect would

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be to withdraw the jury from trying the question on which they were impannelled, to trying a great number of collateral issues, and to render witnesses unwilling to appear in a court of justice, where they would be liable to be attacked on charges which they had no possibility or power of knowing beforehand.

I have said the question does not arise now for the first time. There is a case of Spenceley qui tam *v.* De Willott, in the 7th volume of Mr. Earl's reports, page 108, which was a trial for usury before my Lord Ellenborough, at the sittings at Westminster, wherein the usury was alledged to have been committed by the defendant, in a contract made by him with the French Marquis de Chambonas; the plaintiff's case was proved by the Marquis, who on his examination in chief, swore in substance, that the defendant had advanced to him the sums of money mentioned in the declaration, at the rate of about 10 *l.* per cent. per month, and not by way of partnership; and there was no question of the usury, if the Marquis were believed; but the defendant's counsel, intending to discredit the witness on cross-examination, proposed to ask him what contract he had made with a Mr. Schullenburg, and with several other third persons, from whom he had also taken up money on the same, and on other days on which the contract in question was made, and this for the purpose of drawing from the witness the confession, that he had taken up sums of money from those third persons on terms of confidence; that he was to employ the money so raised according to his own discretion, which he had suggested to them, he was enabled to do to great advantage, and to share with them the profits, whatever they might be, the defendant's counsel intending, if the witness answered in the affirmative, to draw from thence a conclusion that he had made the same contract with the defendant, which was suggested to be the fact with whom as with those

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third persons, he was living at the time in habits of frequent communication and familiarity, or if the witness denied that such was the nature of his dealings with those persons, to call Mr. Schullenburg and the others to prove the contrary, and thereby destroy the witness's credit. Lord Ellenborough, however, refused to suffer the question to be put to the witness on his cross-examination, conceiving it to be entirely irrelevant to the issue in the cause, and that it was not allowable for a counsel on cross-examination, to put to a witness any question concerning a distinct collateral fact not relevant to the issue, for the purpose of disproving the truth of the expected answer by other witnesses. The plaintiff having obtained a verdict for 25,200*l*. Mr. Erskine moved for a new trial; first, on the ground of the rejection of the evidence proposed to be obtained on the cross-examination of the witness; and secondly, upon an affidavit that the plaintiff had published a statement of the case, which was distributed about the court and the hall before and at the time of the trial. On the first ground he reasoned generally upon the inconvenience and danger to truth and justice, if a witness, perhaps unknown, who swore to a fact stated by him to have passed in secret or confidence with a party to the suit, when no other witness was present with whom he could be confronted, could not have his credit tried by a cross-examination as to collateral matters, whereon, if he spoke falsely, the falsity was capable of being shewn by other witnesses, that this was of peculiar importance in criminal cases, where a person unjustly accused of secret offences, could often have no other means of defending himself; but the court were all decidedly of opinion, that it was not competent to counsel on cross-examination, to question the witness concerning a fact wholly irrelevant to the matter in issue, if answered affirmatively, for the purpose of discrediting him if he answered in the negative, by calling other witnesses to disprove

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what he said; that in this case, whatever contracts the witness might have entered into with other persons for other loans, they could not be evidence of the contract made with the defendant, unless the witness had first said, that he had made the same contract with the defendant as he had made with those persons which he had not said. They observed that the rule had been laid down again and again; that upon cross-examination, to try the credit of a witness only, general questions could be put, and he could not be asked as to any collateral and independent fact, merely with a view to contradict him afterwards by calling another witness; the danger of such a practice would be obvious, besides the inconvenience of trying as many collateral issues as one of the parties chose to introduce, and which the other could not be prepared to meet.—Lord Ellenborough then added, that he had ruled this point again and again at the sittings, till he was quite tired of the agitation of the question, and therefore he wished that a Bill of Exceptions should be tendered by any party who was dissatisfied with his judgment, that the question might be finally put at rest; and the court desired to have it understood that they rejected the motion for a new trial on the first ground, and granted a rule Nisi on the second ground alone; that was "that the plaintiff had published a statement of the case, which was distributed about the court, for the purpose of influencing the jury and the hall before and at the time of the trial." The case came on for trial again, if it did come on for trial again, there was an opportunity of tendering a Bill of Exceptions, by which if the very eminent counsel had thought the question tenable he might have carried it to the House of Lords. There have been some cases since. I have understood this to be acted upon to this extent at least, that if you did propose a question to a witness, and if he declines to answer it, his not answering can have no effect with the jury; if he does answer, you

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must rest satisfied with the answer, he giving it upon the penalty of being prosecuted for perjury; it was so held by Mr. Justice Lawrence in a case, the note of which I have at home, and I have always considered it as settled law, and acted upon from the earliest time to the present; for in all periods of our law the same rule of evidence has been abided by.

Mr. Justice Abbott. I would just add, that I have a perfect remembrance of a case before Mr. Justice Lawrence, at Gloucester, where a question of this kind was put to a witness, an objection was made, and the learned Judge for a considerable time hesitated whether he should permit the question to be propounded to the witness; but I recollect at last, the tone and manner in which he said—"Well, you may put the question if you please; but if you do, you must take the answer for good or for bad; and if you do, you shall not call witnesses to contradict him."

Mr. Solicitor General. That is the very case I have before me.—Harris *v.* Tippett, in the second volume of Campbell's Reports, 637.

Mr. Topping. The very same point was ruled by Mr. Justice Lawrence at York, in the King *v.* Teal and others, for a conspiracy.

Mr. Justice Bayley. I recollect the case.

George Philpott sworn.

Examined by Mr. Serjeant Copley.

Q. Do you know the witness Castle, who has been examined here?

A. I do.

Q. How long have you known him?

A. In the beginning of the year 1811.

Q. Have you known him from that time to the present?

A. I did not see him for two years, nearly two years after he had committed the offence.

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Q. Never mind the offence; from the knowledge you have of him, and of his general character, is he a man to be believed when speaking upon his oath?

A. I should hardly think so; in fact, I would say that he is not.

James Lawson sworn.

Examined by Mr. Wetherell.

Q. Do you know a person of the name of John Heyward, alledged to abide at No. 6, Stangate-wall, Lambeth, in the county of Surrey, stock-broker?

A. I know the person you allude to.

Q. How many years have you known him?

A. Upwards of ten years; in fact, I have known him from a boy.

Q. Would you believe him upon his oath; or in your judgment, is he a person to be believed upon his oath?

A. I believe not; I would not believe him upon his oath.

Q. You would not; and you believe he is not a person to be believed upon his oath?

A. I do.

Cross-examined by Mr. Gurney.

Q. Did you ever hear him examined upon oath?

A. I never heard him examined upon oath.

Mr. Wetherell. But whether he has been examined upon oath or not, your judgment is that he is not to be believed upon his oath?

A. Exactly so.

William Haydon sworn.

Examined by Mr. Serjeant Copley.

Q. Do you know a person of the name of John Heyward, who lives at No. 6, Stangate-wall, Lambeth?

A. Yes, very well.

Q. A stock-broker?

A. No, he is no stock-broker, nor ever was.

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Q. How long have you known him?

A. I suppose five or six years.

Q. From the knowledge you have of him and his general character, is he to be believed on his oath?

A. I do not think he is.

Q. Does he live at No. 6, Stangate-wall, Lambeth?

A. Yes, he does; he was for several years publisher of the Courier newspaper.

Q. That is the same man?

A. I saw him here yesterday.

Lord Ellenborough. Did you ever see him living in that place?

A. No.

Q. How do you know it is the same person?

A. I have seen him here, and he told me he was to be examined upon this trial.

Mr. Serjeant Copley. We can prove it was the same person, if necessary.

Robert Curtis sworn.

Examined by Mr. Wetherell.

Q. Look at that paper, and read the description of John Heyward?

A. John Heyward, at No. 6, Stangate-wall, Lambeth.

Q. Do you know such a person?

A. This is not his name correctly; his name is J. W. Heywood.

Q. Is it the person who was formerly publisher of the Courier?

A. The same.

Q. How long have you known this gentleman?

A. About five years.

Q. In your judgment, and from your knowledge of his character, is he a person to be believed upon his oath?

A. I cannot say that he ought not to be believed upon

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his oath; in the few transactions I had with him, I found him very irregular.

Lord Ellenborough. Irregular in money transactions?

A. Yes; he seldom fulfilled his engagements with punctuality.

Q. He was not a punctual paymaster?

A. No.

Mr. Wetherell. That is not his real name then, is it?

A. No, it is not.

Q. How does he spell his name?

A. J. W. Heywood.

Q. This is Heyward?

A. Yes, it is.

Mr. Wetherell. In consequence of what has passed, here I shall take the liberty of submitting a point to your Lordship, which is new in my recollection, whether we have not a right to have the evidence of Mr. Heyward struck out. Your Lordship knows the Crown can examine no witness unless his description is properly given. Now if it turn out afterwards that the witness whose name is inserted in the list is not the person, and not of the business of the person examined, the prisoner has not had that notice which the law requires.

Lord Ellenborough. The objection should certainly have been taken in the first instance; if it may be taken afterwards, a party may take the chance of getting evidence that he may like, and if he dislikes the testimony, he may afterwards endeavour to get rid of it upon the misdescription.

Mr. Justice Abbott. I will tell you why it cannot be taken now; the witness might have told you, if he had been asked, that he sometimes writes his name one way and sometimes another.

Mr. Justice Holroyd. Objections to disqualify a witness,

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such as questions of interest or description, should be taken at first.

Mr. Wetherell. It being a question quite new under the statute of Queen Anne, I thought it necessary to state it to your Lordship.

Lord Ellenborough. Do you know the difference of the two brothers?

A. He has no brother living now.

Mr. Gurney. So he stated.

George Spurrell sworn.

Examined by Mr. Wetherell.

Q. Do you know a person going by the description of John Hayward, abiding at No. 6, Stangate-wall, Lambeth, in the county of Surrey, stockbroker?

A. Yes.

Q. From your knowledge of his character, in your judgment is he a person to be believed on his oath?

A. I know him to be a rogue.

Q. You know him to be a rogue; but cannot go further?

A. I know him to be a rogue, and can prove it.

Mr. John Scott sworn.

Examined by Mr. Wetherell.

Q. Are you a short-hand writer; are you a reporter to any newspaper?

A. I report for the Morning Advertiser.

Q. Did you attend the second Spa-fields meeting on the 2d of December last?

A. I did the first Spa-fields meeting.

Q. Did you attend the second?

A. I attended on the second.

Q. Did you go there for the purpose of taking notes of the speeches made?

A. I did.

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Q. How near did you get to the waggon from which the speeches were made?

A. It was the first Spa-fields meeting.

Q. I wish to ask you as to the second?

A. It was the first at that place that I attended, and I did not know where the meeting was to be held; on entering the field I saw some people around a waggon.

Q. Let us get up to the waggon as quickly as we can: how near did you get up to the waggon?

A. I cannot say indeed, I was very much pushed about. At one time I might be as near as I may be to the Jury.

Q. Were you pushed from that situation, or did you maintain your ground and keep in that situation?

A. I could not maintain my ground for a minute, there was a constant current of people going towards the other meeting. I went to that place seeing a gentleman speaking. I took it to be Mr. Parkes, called Parson Parkes. I made up to the waggon, and it was the prisoner at the bar, as I perceived; I had never seen the gentleman before.

Q. Without this long report, we will come to the short point. You could not maintain your ground on account of the pushing of the mob.

A. I could not.

Q. Did you endeavour to take a note of the speeches delivered from the waggon?

A. I did not; I never do in a mob, very rarely; I merely listen; I do not attempt it.

Q. Could it have been done with convenience on that occasion?

A. No, I think not.

Q. Could a short-hand writer, in the situation in which you stood, have conveniently taken a note?

A. I certainly could not.

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Q. You are as skilful a note-taker as any one; I take it you have been long in it?

A. Eight years.

Q. You could not take a note.

Mr. Justice Abbott. He says he never does.

A. In a common hall, or any mob, I do not take a note.

Mr. Wetherell. On account of the pushing could you distinctly hear the speech made by Mr. Watson from the waggon?

A. I staid about ten minutes, and I could not hear distinctly. At one time I was pretty near, and at another I was not. I could not hear any one sentence. Mr. Watson appeared to be complaining of the Prince, as far as I could understand.

Q. Could you hear any one distinct sentence?

A. I could not.

Cross-examined by Mr. Attorney General.

Q. Who spoke after the elder Mr. Watson?

A. I left him speaking. I ascertained that that was not the appointed meeting, and I went away to the Merlin's Cave.

Mr. Justice Bayley. What time of the day was this?

A. I think about a quarter after twelve. I then proceeded to the Merlin's Cave.

Lord Ellenborough. You do not think you have recollection enough of what was said respecting the Prince to give us any account of it.

A. I could not. I never had my attention drawn to it till the Monday.

Q. You recollect generally that that was the subject?

A. No, I never had my attention distinctly drawn to it till last Monday.

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Mr. Samuel Steers sworn.

Examined by Mr. Wetherell.

Q. Do you know Mr. Dowling, the short-hand writer, who has been examined upon this trial?

A. I know Mr. George Dowling. I do not know whether he has been examined here of my own knowledge.

Q. George Vincent Dowling?

A. Yes.

Lord Ellenborough. Vincent George Dowling, that is the same person, I suppose?

A. Yes.

Mr. Wetherell. Has Mr. George Vincent Dowling had any conversation with you on the subject of his expectations of a place or an office?

A. No, I cannot say exactly so. If you will allow me, I will tell you, as nearly as my recollection will enable me, the conversation which took place.

Mr. Gurney. The question I submit is to be pointed to something to which Mr. Dowling has been examined.

Mr. Wetherell. Mr. Dowling has said he had no expectation of an appointment; I am going to put the question upon that.

Mr. Gurney. If my learned friend will put the question so as to point it to that, I have no objection.

Mr. Wetherell. The witness says he had rather state it in his own way, or I was going to put the question, Has he stated to you any expectations of a reward or remuneration from Government?

A. He stated, that in consequence of his connexion with these prosecutions, the treason prosecutions (that was the substance) and of the part which he had in the

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Crown prosecutions, he had been introduced to the Home Department; that that was the way in which he had been introduced to the Home Department, and that it had led him to employment, I understood, as a short-hand writer for himself and brothers, I believe, or brother. I cannot speak confidently as to the amount. My impression is, that he stated it to be of the value of £. 300; but as to the amount, I beg to be understood not to be concluded; for I am not clear as to the amount.

Q. Is his brother's name George; what is his brother's name?

A. I know only one brother—

Q. That this circumstance led to an employment yielding £. 300. Did he state this to have happened in consequence——

Mr. Justice Abbott. He has told you; you have his own words.

Mr. Wetherell. I beg your Lordship's pardon.

Lord Ellenborough. Have you any contradiction to offer to the evidence?

Mr. Wetherell. I have nothing further, my Lord. The case for the prisoner is closed.

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Mr. SERJEANT COPLEY.

May it please your Lordships,

Gentlemen of the Jury,

I SPEAK most unfeignedly when I say, that I have not words adequately to express what I feel at this moment. I have been called upon to assist, as counsel, in a cause which, in the circumstances with which it is attended, and in the consequences to which it may lead, is one of the most important that has ever occurred in the history of the jurisprudence of this country; a cause of infinite moment to the prisoner at the bar—whose life and character—every thing that can be valuable to him as a man, and as a member of the community—are at issue, upon the result of your verdict; and I feel, therefore, almost sinking under the apprehension, that my powers may not enable me to do justice to such a cause, or to conduct it in the manner that the occasion demands. But, Gentlemen, I am cheered and animated upon this occasion when I advert to the persons to whom I am now addressing myself. I am addressing myself to an English Jury, the best guardians of the liberties of the country. I am addressing myself to a Jury, drawn from the most upright and independent class of the community. I am addressing myself to an assembly of gentlemen, who, from the patience which they have exhibited—from the vigilance which they have exercised—from the acuteness and penetration which they have displayed throughout the course of this long and complicated enquiry, have afforded abundant evidence to the world, that they are the very best tribunal that could have been constituted for the decision of such a cause. It is to you then, Gentlemen, that

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I look for support—it is to you that, on behalf of the prisoner and the public, I trust to supply my deficiences—I rely upon your attention and sagacity, the undeviating rectitude, the unshaken firmness of your principles and conduct.

You will permit me, Gentlemen, before I proceed to consider the merits of this question, to put you upon your guard against any impressions which you may, without being sensible of it, have received from without doors, before the commencement of this trial. I am sure that you have every disposition and wish to come to the decision of this question, with minds completely unfettered and unbiassed. I shall be excused, however, in suggesting this caution, because, in the present state of society and of the public press in this country, it is almost impossible that a cause of this nature should not have been discussed and agitated, and perhaps to a certain degree prejudged. I feel confident, however, that upon this occasion you will, as far as possible, dismiss every previous impression from your minds; that you will direct your attention solely to the evidence, by which alone I am persuaded your verdict will be governed.

It is the more necessary that you should be upon your guard in this respect, from circumstances which are known to us all. It is matter of public notoriety, that Reports have been published by Secret Committees appointed by both Houses of Parliament, upon questions closely connected with the present charge; these Reports have been industriously circulated throughout the country, and may have met your attention. It is well known, that in consequence of those Reports, the Habeas Corpus Act, one of the main pillars of our constitution, and the best protection of the personal liberty of the subject, has been suspended. I beg and entreat, that you will not suffer any considerations, arising out of those Reports

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and circumstances, to influence your verdict. I intreat and implore you, carefully and anxiously, to dismiss all such considerations from your minds. I am old enough to recollect that, in the year 1794, the Trials for High Treason at the Old Bailey, to which allusion has been made in the course of this cause, had been preceded by similar publications. I well remember, the Juries who sat upon those celebrated trials were cautioned by the counsel for the prisoners (men of the highest eminence and talents) against suffering their minds to be biassed by those Reports. The appeal was not made in vain;—the Juries of that day did not suffer themselves to be misled by influence or authority;—they directed their attention to the evidence alone;—and they ultimately pronounced, as the result of a most painful and laborious investigation, those verdicts of acquittal which, though they might be cavilled at by some interested persons at the time, have, I will take upon myself confidently to assert, been crowned with the approbation and applause of every friend to the laws, the liberties, and the constitution of the Country.

There is another consideration which I shall take leave, at the outset of this cause, also to impress upon your minds. Whatever your opinions may be with respect to the prisoner at the bar; if you should feel that he has misconducted himself in any respect; if you should condemn, as you must do, those riots and disorders which have been committed; and if you should think that he was in any degree implicated in them;—still I am sure you will not suffer these considerations so to operate upon your minds, as to hurry you into a conclusion of guilt, unless you are fully convinced that he has committed that precise description of offence, which is charged against him upon this record.

It is a principle of the criminal law of England, and

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indeed of the law of all free states, that every species of offence should be defined with the utmost possible precision. But, Gentlemen, if this be a principle applicable to the criminal law in general, it applies, as you must be sensible, with peculiar force to the crime of treason, the highest offence of which the law takes cognizance. Here, every thing must be traced out and defined with the most scrupulous accuracy, with such clearness and precision as to render all mistake impossible, and that every person implicated in this crime may at once know the full measure and extent of his guilt. The severe punishment inflicted upon this offence, the details of which are too dreadful for recital, renders this peculiarly necessary. It is rendered still more necessary upon another account. In cases of this nature, the State is the prosecutor; all the power and authority and influence of Government are set in opposition to the party accused; he has to contend against all the first legal knowledge and talents of the country, which are always enlisted in the service of the Crown. All these powers are arrayed against him, and he has therefore no secure defence, no refuge, except in the precise language of the law; in the clear and accurate description of the offence; except in finding the limits and boundaries of the crime so minutely traced as to afford no opportunity for refinement, no room for ingenious speculation or for plausible and fallacious argument. The charge must be so made out, that it may be at once apparent to men of plain and ordinary understandings, that he either has or has not committed the offence with which he stands accused. In what I am now saying, I am not speaking my own language and my own sentiments alone, I am repeating the language and the sentiments of every eminent writer, of every distinguished lawyer who has considered this subject. Upon such a point, where there is so complete a uniformity and concurrence of sentiment, it is difficult to select. Mr. Justice

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Blackstone observes, speaking of the crime of treason, "As this is the highest civil crime, which (considered as a member of the community) any man can possibly commit, it ought therefore to be more precisely ascertained, for if the crime of high treason be indeterminate, this alone (says the President Montesquieu) is sufficient to make any government degenerate into arbitrary power." And here, Gentlemen, you observe Mr. Justice Blackstone cites not a writer upon the law of England, or upon this or that particular code, but a writer upon general law, living too in an arbitrary state; who considered this question as a philosopher, and as a philosopher came to this necessary and inevitable conclusion. Mr. Justice Blackstone proceeds thus, "and yet by the ancient common law there was a great latitude left in the breast of the Judges to determine what was treason or not, so whereby the creatures of tyrannical princes had opportunity to create abundance of constructive treasons, that is, to raise by forced and arbitrary constructions, offences into the crime and punishment of treason, which never were suspected to be such." You will, I am sure, bear these principles in mind throughout the whole of this inquiry.

The foundation of the law of treason, as it at present stands, is the Statute of 25 Edward III, to which such frequent reference has been made in the course of this trial. Before the passing of that Statute, as it appears by the passage I have just cited to you, the law of treason was in the extremest degree vague and undefined. Accroaching upon royal power, was in those days one of the usual charges of treason. A charge so ambiguous and indeterminate, as Lord Hale observes, that no person knew what it meant, or against what he was to defend himself. That great judge and constitutional lawyer, whom to name is to honour, after citing a great variety of other instances of extraordinary treasons which existed in those days,

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concludes in these words, " by these and the like instances that might be given, it appears how uncertain and arbitrary the crime of treason was before the Statute of 25 Edward III, whereby it came to pass, that almost every offence that was or seemed to be a breach of the faith and allegiance due to the King, was by *construction* and *consequence* and *interpretation*, raised into the offence of high treason. It appears therefore, that previously to the passing of the Statute of 25 Edward III, almost every word or act that might give offence to the King, or to the ministers of an arbitrary Government, was by construction wrested into the crime of treason. It was for the purpose of putting an end to the monstrous evils of this system, that the Statute of Edward III, was passed. By that Act, the offences which constitute high treason, were for the first time precisely defined. " To compass or imagine the death of the King," that is, to form a deliberate design of taking away the King's life, is declared to be high treason. " To levy war against the King in his realm," this also according to the Statute of Edward III, is high treason. It is not necessary to run through the other treasons contained in this Statute, because they have nothing to do with the present case. " To compass or imagine the death of the King." " To levy war against the King in his realm," these are the words of the Statute; they are so plain and distinct, that it would be difficult to mistake their obvious import, and of which I am persuaded you will never lose sight in the progress of this investigation.

But, Gentlemen, let me direct your attention again to this Act of Parliament; so absolutely necessary did the Legislature at that time consider it, to throw a shield around the subject, in the case of accusations of this nature, that they went out of their way to do that which I believe is not found in any other Act of Parliament in our books, that is to refer to the nature and description of the proof.

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The prisoner must be "*provably* attainted of open deed by people of his condition;" these are the words of the statute. So that by this memorable law, not only the offence but the nature of the proof by which it is to be established, is pointed out and defined. Upon the force of these words, "provably attainted," Lord Coke, a great prerogative lawyer, but who, when he retired from public life and compiled works in his closet for the benefit of posterity, wrote with that liberality which is so congenial to the spirit of our constitution, laboriously comments in the terms already stated to you by my learned friend. "And of this be provably attainted of open deed by people of their condition." In this branch, he says, four things are to be observed,—First, this word *provably*, that is, upon direct and manifest proof, not upon conjectural presumptions or inferences, or strains of wit, but upon good and sufficient proof; and herein he says (for he goes on with a species of anxious tautology) "the adverb (provablement) *provably* hath a great force, and signifieth a direct and plain proof; which word the King, the Lords, and Commons in Parliament did use, for that the offence was so heinous and was so heavily and severely punished, as none other the like, and therefore the offender must *provably* be attainted; which words," he says, "are as forcible, as upon *direct and manifest proof*. Note, the word is not probably, for then *commune argumentum* might have served, but the word is *provably* be attainted." You perceive, therefore, Gentlemen, the care and circumspection of the Legislature; first, that the offence should be precisely defined; and secondly, that the mode of proof should be of the most plain and direct description; that nothing should be left to influence or conjecture, but that the proof should be such as not to leave a shadow of doubt in the minds of those who are to pronounce upon the guilt or innocence of the accused.

Gentlemen, this statute of Edward III. has always been

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considered as one of the most important in our books. The Parliament in which it was passed, was called, as Lord Coke says, "the blessed Parliament," for having given birth to so admirable a law, inferior, as he observes, to Magna Charta alone; and he adds, that all subsequent Legislatures who have had occasion to refer to it, have agreed in magnifying and extolling "this blessed Act." You must perceive then, Gentlemen, the great importance of the subject; the necessity of extreme caution and attention with respect both to the charge and the proof, and that every part of the case must be established by evidence of the plainest and the most demonstrative character.

Notwithstanding, however, this Act of Parliament, and these noble provisions that were made for securing the liberty of the subject, such is the natural tendency of all power to aim and labour at its own extension, that almost immediately after the death of King Edward III. a great variety of new treasons were introduced, partly by the corrupt decisions of the tribunals of those days, and partly by the subserviance of the Legislature. These, however, were all swept away in the first year of the reign of Henry IV, and the law brought back to the precise standard at which it had been fixed by statute of Edward III. The same mischievous course was, however, after a short interval again pursued. These events and circumstances afford a salutary warning. They shew the necessity of extreme vigilance and firmness to preserve entire, these securities which have been established for the preservation of our liberties. For notwithstanding the Act of Henry the IVth, by which the law of treason was brought back to its original standard, a new volume of treason was introduced between that period and the accession of Queen Mary, more extravagant and absurd, if possible, than any which had preceded them. But these were at length abrogated, and the law was once more restored to its true standard. Why, Gentlemen, do

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I direct your attention so anxiously to this part of the subject; why do I press it so repeatedly and so earnestly upon you? Because I feel how important it is to the decision of this cause, how important it is in a constitutional view of the question; because I wish to impress upon you the necessity of bearing in your minds, to the end of the enquiry, the absolute necessity of distinctness and precision, both as to the offence itself and as to the evidence by which it is to be established, against the party accused.

Now, Gentlemen, let me turn your attention for a moment to this indictment. It consists of Four Charges, and I really cannot forbear repeating what my friend Mr. Wetherell has already stated, that in point of length it is an indictment without example in the history of the country; I mean without example with respect to indictments for high treason. I have taken some pains to examine and inquire, and I have not found one which in any degree approaches it, in point of extent and prolixity. Gentlemen, Mr. Watson is charged, first, with an intention to put the King to death; secondly, with intending to depose the King; then with levying war against the King; and lastly, with compassing and intending conspiring to levy war in order to compel the King to change his measures. It is necessary, in indictments for treason, that the facts meant to be given in evidence, and insisted upon as proof of the traitorous intent, should be stated upon the record. These are called overt acts. In this indictment they are fourteen in number, and the same overt acts are laid in respect of each charge. What does the Attorney General then in fact say? I shall call upon the Jury to infer from these acts—what? First, that the prisoner compassed and imagined the death of the King; that is, to put the King to death; but this he feels to be too extravagant, he cannot persuade himself to believe that the Jury will come to such a conclusion; he therefore says, if they will not do that I shall

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then call upon them to infer from the same facts, that the prisoner conspired to depose the King; and if they will not do that, I shall then call on them to find still from the same facts, that he conspired to levy war to compel the King to change his measures. Gentlemen, it does, I confess, appear to me from this indictment, as if the Crown lawyers were not very confident as to any one of the charges, but that they hoped by throwing the net as widely as possible, to give themselves some chance at least of catching a verdict.

But let us then, Gentlemen, consider these different charges. The first charge to which I shall direct your attention, is that of actually levying war against the King. It appears to me that that charge will involve the whole case, for if you do not believe that war was actually levied, I think you will, upon the facts of this case, be of opinion that there was no conspiracy to levy war for any of the purposes stated upon this record. Now, Gentlemen, let me ask you this plain question; you all live in this metropolis—you were all acquainted with the circumstances of this riot, immediately, or at least within twenty-four hours after it had taken place; you knew, for they were stated in the public papers, every fact that had occurred. Did it then strike any one of you, or can you now bring yourselves, as men of plain and sound understandings, to conceive that these facts amounted to a levying war against the King—a flagrant civil war, as the Attorney General has styled it? What amounts to a levying war, may perhaps be difficult to define. It depends upon a variety of circumstances. But of this at least I am sure you feel convinced, that the circumstances which occurred in this instance, do not amount to a levying of war; that, in plain understanding and according to the usual acceptation of terms, it was not a levying of war against the King.

But let us proceed a step further, let us inquire what

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was the opinion of the Law Officers of the Crown upon the subject; this point has been ably discussed by my learned friend. Almost every fact proved on the present trial, with the exception of the circumstances arising out of the evidence of Castle, to which I shall hereafter advert, was known to them within a few hours after the transaction had taken place. They knew in common with the rest of the public, all those circumstances of outrage which have been detailed to you by the evidence of the different witnesses for the Crown; they were aware of the placards and advertisements by which the meetings had been convened; they knew the very terms of the speeches delivered by the two Watsons, for they had been communicated to the Secretary of State by Mr. Dowling; they knew of the waggon, of the ammunition, of the tri-coloured flags, of the violence at Beckwith's, of the affair at the Exchange; of what had taken place in the Minories and at the Tower. That very night Mr. Watson was apprehended, the papers, which have been produced, were taken from his pocket; the lodgings of the younger Watson were examined and ransacked a few days afterwards, and the papers and drawings, upon which so much observation has been made, were discovered. All these circumstances, which have been so much insisted upon, were well known to the Government and its advisers, immediately after they occurred. What then was their conduct? Did they consider those facts (for I am now considering them as distinct from the evidence of Castle, to which I shall hereafter advert) did they consider them as constituting a levying of war against the King? Did they apprehend or commit the prisoners upon any such charge, or institute a course of inquiry directed to this object? Quite the reverse. Did this then arise from any inattention or negligence on the part of the Law Officers of the Crown, from their taking only a general or superficial view of the case? No such explanation can

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be given of their conduct; the particulars of the disturbance were investigated from day to day, and from hour to hour; all the details were sifted and examined; and two different prosecutions were instituted as the result of this investigation, one for felony and the other for a misdemeanor; but for upwards of three months, and until a short time before the suspension of the Habeas Corpus Act, they never dreamt of directing a prosecution against these prisoners for High Treason. What is the inference then that we are to draw from these circumstances? why, that the Law Officers of the Crown did not consider that the facts which were publicly known, amounted to a levying war against the King. The previous preparations, the speeches, the flags, the acts of riot and violence, and the other circumstances to which I have already adverted, they did not consider as a levying of war, or they did not properly discharge their duty to their Sovereign, by the course which they pursued; and no individuals who ever filled those high situations, were less likely to have been negligent of their duty than the persons to whom I allude. All this I admit is independent of the evidence of Castle, but as to his testimony I am quite sure you will not give credit to it for a moment, you will expunge it from your notes, you will efface it from your recollection. No, Gentlemen, I am doing injustice to the prisoner, in calling upon you to blot the evidence of Castle from your minds; I am weakening and betraying his cause: On the contrary, I entreat and implore you to impress every word of it deeply on your memories, for it gives a stamp and a character to this cause, such as I dare not trust myself with naming; but I will leave it to you to say by your verdict, what that cause must be which stands in need of such evidence for its support.

Now, Gentlemen, let us pause for a moment, and inquire what levying war is. Lord Hale, in his admirable work

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upon the law of treason, says, "What shall be a levying war, is, in truth, a question of *fact*, and requires many circumstances to give it that denomination, which may be difficult to enumerate or to define;" it is a question of fact, and requires many circumstances to give it that denomination. He goes on: "One species of levying war, is expressly and directly against the King;" as raising war against the King, or his general and forces, or to surprise or injure the King's person, or to imprison him, or to go to his presence to enforce him to remove any of his ministers or counsellors, and the like." These are instances of a direct levying of war against the King; but there is also, it seems, a constructive levying of war. Upon this point I entirely concur in what was said by Lord Kenyon, as counsel for Lord George Gordon, upon his trial, that when this Act of Parliament, the statute of Edward III, was passed, it never, I believe, occurred to the Legislature of those days, that there could be such a thing as a constructive levying of war, within that Act. I admit, however, that there are certain cases in which it has been so decided; and it being decided, we must abide by them. But let us examine for a moment, and see what they are: I hope, in so doing, you will not think I am unnecessarily occupying your time; for it is most material that we should be precise, and should understand accurately what the charge is which the prisoner is called upon to answer, and what is the law as applicable to such charge.

It is said, if there be a rising for the purpose of pulling down all meeting-houses, or of throwing open all inclosures, this, on account of the generality of the object, is a levying of war, a constructive levying of war. You will remember, that the statute of Edward III makes no mention of these constructive levyings of war. How then did they originate? You will be surprised to learn, that the first decision on this subject, and upon which the whole of

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this system of constructive treason is built, occurred in the reign of Henry VIII. It is a case very imperfectly stated; but it appears to have been determined, that a general rising, for the purpose of increasing the wages of labourers, was a levying war by construction. But when was this case decided? In the reign of the most arbitrary monarch that ever sat upon the throne of this country; It was decided too, at a time when the judges were in a state of complete subservience to the Crown; when they were liable to be removed, upon the least displeasure or slightest caprice of the King; at a period when it was not unusual for the judges to be sent for, and to confer in private with the Sovereign, in any prosecution in which he took an interest; it was decided at a time when it was the practice to new-model the bench, with a view to the decision of any particular question; it was at such a period that this principle of levying war by construction, was introduced and established. You will not therefore conceive that it is entitled to any great respect.

The next case occurred in the prosperous but arbitrary reign of Elizabeth, not indeed under the statute of Edward III, but under a temporary Act passed in the reign of that Queen; and upon those two cases the doctrine of levying war constructively, has been built.

But what is the language of Lord Hale, our great constitutional light and guide, upon the law of treason; in speaking upon this subject, after referring to the two cases which I have mentioned, he says, "These resolutions being made and settled, we must acquiesce in them; but in my opinion, if new cases happen for the future that have not an express resolution in point, nor are expressly within the words of 25 Eliz. c. 2, though they may seem to have a parity of reason, it is the safest way, and most agreeable to the wisdom of the great Act of 25 Eliz. c. 2, first to consult the Parliament, and have their declaration, and be

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very wary in multiplying constructive and interpretative treasons, for we know not where it will end."

There is indeed, Gentlemen, another case that occurred previously indeed to that work of Lord Hale's, but which I am sure upon the facts, as they are related to us, will be considered as law. It is a case of a great number of persons tumultuously assembling, one of them with a drum, and going to attack the palace of the Archbishop of Canterbury, and threatening to tear him to pieces. Mr. Justice Foster, in his valuable work, makes various conjectures, for the purpose of endeavouring to reconcile and explain this case; but at last he concludes by saying, "without the help of some such supposition, I see nothing in the case, as stated by the Report, which can amount to high treason." In fact, the case which is known by the name of Benstead's Case, is, from these and other circumstances, deserving of very little attention; it occurred in times of great party heat and violence, just before the breaking out of the civil war, and at a period when, as it is well known, the judges were in a state of complete subserviency to the Crown. It is impossible therefore from these circumstances, and the opinion of Mr. Justice Foster, that any principle can be safely deduced from it.

But, Gentlemen, if we are compelled to admit upon the authority of these cases, and of two or three others of a similar description, that there may be such a thing as levying of war by construction, yet, according to what Lord Hale has said in the passage to which I have referred, those cases should not be extended and applied as authorities, by any parity of reasoning, where the circumstances are not precisely similar. "We must be wary," these are the words of that great and venerable Judge, and they cannot be too often repeated, "in multiplying constructive and interpretative treasons, for we know not where it will end." In all these cases too, of levying war by

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construction, you will observe that there is a precise and definite object. If it be levying war for the purpose of throwing open all inclosures, or demolishing all meeting houses, or of compelling the repeal of any particular law, the object is distinctly defined. There is nothing of this nature in the present case, and therefore the circumstances and the principles of those decisions are wholly inapplicable. What then is the question which you are to try? Not whether these parties have been guilty of a riot, which by construction is to be interpreted and magnified into a levying of war, but whether, and in what I now state I am sure I shall meet with the concurrence of their Lordships, whether they were actually engaged in a levying of war for the purpose, and in the prosecution of an intention of overturning the State, and destroying the whole frame of the Government, in the manner which has been stated by the Attorney General. If you believe that war was levied as the result of a previous conspiracy, with the view and object and for the purpose which I have stated, then you may find the prisoner guilty; but if you shall be of opinion that this was a mere tumult and riot (however violent and criminal) without any specific design, with a view to undefined mischief, and not aiming at the overthrow of the Government of the country, which is too ludicrous and absurd for serious consideration, you will say that the case is not made out against him, and pronounce that he is not guilty of this charge. That, Gentlemen, then is the issue which you are to try.

Let us then consider the case in this view. The charge against the prisoners is, that they levied war against the King, for the purpose and in prosecution of a design, and with the expectation and hope of overturning the Government. This is supposed and confidently asserted to have been the object of these conspirators; but mark their conduct, and see whether it can be reconciled with this ex-

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travagant supposition. There had been a previous meeting at Spa-fields on the 15th of November; fourteen days notice was given of the second or adjourned meeting; every publicity was given to it, and every step taken to arouse the vigilance and awaken the alarm of Government, and these parties are therefore supposed to have formed a design to overturn the Government, and to have levied war for that purpose, and at the same time to have taken pains to put them upon their guard in order that they might be prepared to oppose them. Is there any sense in such a supposition; can you believe so improbable a fiction. They must have known, as the fact turned out, that the whole military force of the country would be in a state of preparation for the purpose of opposing them; that troops would be drawn to the metropolis; that artillery would be collected; that the whole civil power would be assembled for the purpose of frustrating their design; and yet you are to suppose that they who intended by force of arms to subvert the whole Government, have given public notice to that very Government (as if by way of challenge and defiance) to be prepared to meet them. How do you reconcile these things? Are you to suppose them idiots as well as traitors, uniting the extreme of folly with the extreme of wickedness. I am persuaded you will feel that this conduct is not to be explained, except by disbelieving that they entertained the criminal projects which are imputed to them.

But it is said, Gentlemen, these are desperate men, and that desperate men will engage in desperate enterprizes; that they not unfrequently overlook the intermediate difficulties in the eagerness with which they pursue their ultimate object. This is a sort of moral apothegm, thrown out by the Attorney General. Be it so; but do they make choice of difficulties, as if for the pleasure of overcoming them? Desperate men do not pursue that course. Des-

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persons men may indeed be drawn into situations, in which they are compelled at once to act; but here they have themselves created the difficulty, and by their own voluntary act prepared the obstructions to their supposed design. It is they who gave notice to ministers; it is they who armed Government, and put it in a complete state of preparation. They must have foreseen all this. Is it possible then to reconcile their conduct with what is imputed to them? Is it possible after this to believe, that they had formed a deliberate plan of waging war against the King on the second of December, for the purpose of dislocating and destroying the whole State and Government of the country? For that is the offence which the prosecutors charge against the prisoners; that is the design which they impute.

And here, Gentlemen, let me again remind you, that it is not because a riot has been committed, because there have been tumults, and violence and outrage, that therefore war has been levied. In order to constitute a levying of war, there must have been a deliberate purpose and design, such as I have before stated. I will not again allude to cases of constructive levying of war; but this is the vital principle which is essential to constitute the crime of high treason. There are many instances of riots infinitely more mischievous and destructive than those which we are now considering, and which were never supposed to amount to treason. My learned friend, Mr. Wetherell, alluded to some of them yesterday, and no instance can be stronger or more striking than that of Lord George Gordon. You recollect, no doubt, the history of those disturbances; forty or fifty thousand men marching in columns, with colours and military music, up to the doors of the House of Commons, and afterwards keeping possession of the capital for a fortnight together. Were there, Gentlemen, any prosecutions for high treason grounded upon those riots.

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With the single exception of Lord George Gordon himself, to which case I shall presently refer, there were none, mischievous and abominable as those riots were, for they wanted the essential principle of treason; a fixed, precise, and determinate object. It was not because they were not mischievous; it was not because they were not productive of great and incalculable evil; but because they wanted this principle, the essential characteristic of treason. Lord George Gordon was, indeed, tried; but he was acquitted, because however improper and mischievous his conduct, the jury were of opinion, and it was put fairly to them by Lord Mansfield, that he had no treasonable object in view. The statute of Edward VI. has been referred to by my learned friend Mr. Wetherell. Look at the language and provisions of that statute, and observe what enormous and mischievous riots may exist, without their amounting to the crime of high treason. Mr. Justice Blackstone, referring to the statute of Edward VI. and other acts which he mentions, observes, "that these statutes specified and particularized the nature of the riots they were meant to suppress; as for example, such as were set on foot with intention to *offer violence to the Privy Council*, or to *change the laws of the kingdom*, or for certain other specific purposes. In the time of Edward VI. these offences were made high treason, by a statute passed in the reign of that monarch. Now, if they were made high treason by that statute, it is clear they were not high treason before; that they were not high treason under the statute of 25 Edward III. But this statute of Edward VI. has been long since repealed, and those riots and offences, which were declared by the statute of Edward VI. to be treason, have by subsequent acts been made felony.

The riot act has also been referred to. That statute was passed for the purpose of preventing, according to the preamble of the Act of Parliament, *rebellious* riots and

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tumults. These are the words: "Whereas of late, many rebellious riots and tumults have been in divers parts of this kingdom, to the disturbance of the public peace, and the endangering of his Majesty's person and Government, and the same are yet fomented by persons disaffected to his Majesty; presuming so to do, for that the punishment provided by the laws now in being, are not adequate to such heinous offences; and by such rioters his Majesty and his administration have been most maliciously and falsely traduced, with an intent to raise divisions, and to alienate the affections of the people from his Majesty; therefore for the preventing and suppressing of such riots." What riots and tumults? Rebellious riots and tumults. So that even rebellious riots and tumults may take place, as appears by this act, without the parties being implicated in the crime of treason. It is not therefore merely the mischievous and destructive nature or character of the riot, that constitutes the crime of treason; but it must have a distinct object; there must in this case be proof of an intention and plan to subvert the State and Government of the country; and if that is not made out, no case of high treason is established against the prisoner at the bar.

Gentlemen, I have stated, and perhaps too often, what the question is; that it is absolutely necessary, in this case, not only to establish that disorder, outrage and tumult have been committed; but that it was in prosecution of a settled purpose of overturning the Government. That is the proposition I have laid down; that is the proposition to which I beg leave continually to recur; for it is by reference to that proposition that this cause must, I apprehend, be decided. Now, let us recollect for a moment, and see upon what this supposed conspiracy rests; where is the evidence of it, and upon what does it depend? You find it in the testimony of Castle, and in the testimony of Castle alone. Blot out the evidence of Castle from your

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notes, and there is no proof of any previous conspiracy being formed for the objects stated by the Attorney General. Blot out the evidence of Castle, but which I repeat, I wish not to be expunged; let it remain as a salutary caution, as a light and guide to you in this inquiry; let it be the pillar of fire by night, and the cloud by day, to direct your course through this long and interminable waste of evidence; but blot out his evidence, and there is, literally and strictly, no proof of this supposed conspiracy. It is said, an accomplice may be a witness; I do not dispute it. An accomplice may be a witness; even unconfirmed, he is a witness competent to be heard. A witness of the most infamous character, unless he has been actually convicted of certain specific crimes, and the record is brought into Court, may indeed be heard; but it is for you, Gentlemen, to determine what degree of *credit* you will give to his evidence. Let him be heard; let him be examined; I thank them for calling this witness; I thank them for submitting him to the admirable cross examination of my learned friend; I thank them for stopping certain subjects of inquiry; all this must satisfy you, that no reliance can be placed upon his testimony. I am sure, that if this were a case not of the immense importance which it is; but if it were a suit instituted to decide the smallest question of civil right, that you would not attend or give the slightest credence to such evidence. But in a case of this nature and of this magnitude, in a criminal case, in a case of treason, in a case of the highest description of crime, and, with respect to its inflictions and penalties, the severest that the law recognizes; in a case of high treason, I say, to build your decision upon evidence of this character, upon such a witness, and such a treacherous foundation, is it possible that my friends on the other side can expect it; is it possible that they can hope, or even wish for it. Can you believe that they could have known

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the previous conduct and character of this man, when they brought him into Court. It would be an insult to your understandings; it would be an outrage to common sense; a mockery of justice, to suppose that the smallest degree of reliance can be placed upon such evidence.

But it is said that he is confirmed; and because he is confirmed in some facts, you are therefore to believe him in the rest. This is a position which lawyers are in the habit of stating in a very unqualified manner; but it is not a position which can be maintained to this extent, according to any principle of common sense. There is no man who tells a long and complicated story, like that which you have heard, who may, and must not of necessity, be confirmed in many parts of it. The witness was upwards of eight hours in giving his evidence, and of course stated many facts, which no man denies, which have been in all the newspapers for weeks and for months past; and because he is confirmed in certain particulars, you are therefore required to believe the whole of his story to be true. Is this a proposition to be insisted upon? Can it for a moment be maintained to this extent, and in this broad and unqualified way? But, Gentlemen, every profession and science has its phrases; the necessary qualifications are by degrees lost sight of, and the worst errors are thus introduced. Let us then look at the mischief of this doctrine, and see the evils and injustice that have arisen out of it. The notorious Titus Oates, the witness for the Crown in the trials founded upon the Popish Plot, in the reign of Charles the Second; that most infamous and perjured wretch, who was afterwards convicted of perjury for his evidence upon those trials, and suffered the punishment of the law for his crime, was confirmed in his testimony in many most important particulars. Unfortunately, the juries, misled in those times of heat and party animosity, were prevailed upon to believe him, and many unhappy

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persons suffered in consequence the extreme punishment of the law; and murders were committed, under the forms of justice, in consequence of the reliance placed upon the frail and fallacious testimony of a man of that description. You perceive, then, Gentlemen, the danger of this doctrine; and that it is not because a man is confirmed in certain circumstances that you can safely believe him, as to other facts where that confirmation is wanting.

What is the character of falsehood? who has lived in the world, and have at all examined the operations of the human heart and mind, who does not know that this is the usual and proper character of falsehood—that it does not wholly invent—falsehood engrafts itself upon truth, and by that artifice misleads and deceives—truth is exaggerated—things that exist are discoloured or distorted—these are the usual operations of falsehood: this is a part of its nature, its address and dexterity. It arises, therefore, out of the very nature of perjury, that it must be confirmed to a certain extent; and it is because there is confirmation in certain particulars, to which particulars I shall, by-and-by, take the liberty of drawing your attention, that you are gravely required to believe the whole of the miserable fictions with which you have been insulted in the evidence of this abandoned wretch.

But let us look with a little more accuracy to the shades and distinctions upon this material point. I beg you to follow me; for it is most important, according to my apprehension of the question. A man may be seduced into the commission of an offence, who had previously maintained a good character; he may repent of his crime, and give information, and then come into Court as a witness. If the story which he tells, is found to be probable; if he is not only uncontradicted in any facts, but is confirmed in essential particulars; if there are no circumstances of suspicion arising out of the situation in which he stands,

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a jury may, possibly, upon such evidence, be justified in finding a verdict of guilty. I repeat it, that if the previous character of the man were good; that if the story he tells is probable; if it is not proved to be false in any part of it; if he is confirmed in essential particulars, and there are no circumstances of suspicion arising out of the persons with whom he is connected, and by whom he is surrounded, then the jury may give credit to his evidence. Let us then examine the case of Castle by these tests. If you should think I go into this at too great lenth, I trust you will excuse me, in consideration of the great interest the prisoner has, which the country has, and every one of us has in the event of this inquiry. What is the character of this man? need I enter into the disgusting detail of his crimes? need I repeat the circumstances which have been already disclosed to you? need I do more than recal to your recollection the emotions that you, and the whole audience experienced, during the progress of his examination? I should weaken the impression by referring to particulars. I will undertake, however, to state as the general result of the whole, that a character more infamous, more false, less entitled to credit, from the particular description and tendency of his villainy, never was brought as a witness into a court of justice: such is the general character of the man; this is not a single error which he is desirous of retrieving; he is a long and practised ——. I do not like to use hard terms, but upon this occasion, I may say he is a practised and consummate villain. I hope I do not go beyond, or revolt your feelings, by such an expression. So much as to the first test. His previous character renders any reliance upon his evidence absolutely impossible.

Now let us examine his story. I have said I would not enter into the details of his character; I may say the same as to the wretched tale which he has told. Do you put faith in any part of his evidence, as to this supposed plot?

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have you the credulity to believe so extravagant and monstrous a fiction, as that of barricading and defending this great metropolis with hackney coaches, picked up at midnight, and a drunken mob casually collected at the same hour. This extraordinary military and naval enterprize is so wild, so visionary, so utterly baseless, that it would destroy the credit of a witness of even tolerable respectability; but when you find a story of this kind told you by a person of the character of Castle, building this impossible tale on the foundation and rotten base of extreme villainy, does my learned friend expect that you can, for a moment, give credit to it, or find that such a conspiracy ever existed. Do I put it too strongly to you? I wish I could state it with half the strength with which I think I feel it. But the prisoner, in selecting me as one of his counsel upon this occasion, gives the strongest evidence of the conviction he feels of the strength of his cause. He must have known that I possessed no powers of eloquence, and little of the skill of an advocate; he must have known that I could only proceed in a straight forward course, pursuing the subject in a plain way. I am quite satisfied, however, that you go along with me in feeling that the evidence of such a conspiracy, of such a plot, resting upon the faith of such a man as Castle, is not for a moment entitled to credit.

Another principle and test which I have stated to you, is, that the witness must not be contradicted in any material facts. Apply this to the case of the witness Castle. Is he not proved to have stated that which is false in many particulars? You have heard the story told by Mr. Hunt to-day. Has not Mr. Hunt satisfied you, that this man has sworn to falsehoods in things in which he could not be mistaken? Has not Mr. Hunt satisfied you, that there was an intention on the part of Castle to entrap him into the commission of some offence, by which he might be

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rendered amenable to the laws? Castle told you (and the questions were put most distinctly by my learned friend), that the health of the King was not given at the dinner in Bouverie-street. This did not pass over flippantly. The question was put again and again by my learned friend to him; his attention was drawn distinctly to the fact, and he did in the most positive terms (not saying he did not recollect, that he did not believe) but he did in the most positive terms swear, that it was not given. Mr. Hunt says it was given, and he is confirmed by Mr. Bryant. Castle therefore in this point is most directly and flatly contradicted. But a man may possibly forget a single circumstance: let us therefore proceed. A conversation about soldiers took place; he told you in his evidence that no such conversation passed. Mr. Hunt tells you, and Mr. Bryant confirms it, that there was a most marked conversation about the soldiers, one which led Mr. Hunt to interfere; that he was dissatisfied with his conduct; that he read him a kind of moral or political lecture upon the subject. Here we find him again contradicted on matter that is most important. We are trying his credit, if it is possible to try the question of the credit of such a witness. I wish to try it in every shape, by which truth is to be ascertained and falsehood detected.

Then, Gentlemen, he said he did not either fall to sleep in the room, or pretend to fall to sleep. The question was put in such a way by my learned friend, that he could not be mistaken; his attention was directed to it over and over, and over again. He is a third time contradicted. Mr. Hunt has told you, that he was, or pretended to be, so much asleep, that it was impossible to awaken him; that he was pretending, as he thought, for some private purpose of his own, to be asleep; that Mr. Hunt tried to arouse him, and that he struck him a violent blow for that purpose; so that this man who is not to be believed,

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according to the admission on the other side, unless he is confirmed in his evidence, is directly contradicted, and proved to have told you upon his oath that which is untrue in repeated instances. He is contradicted also as to the conversation about the French prisoners. I am not selecting casual things which made no impression, but things of importance, to which his mind was expressly directed in the course of the examination. My learned friends remind me of another circumstance, about his being turned out of the room, or threatened to be turned out of the room; that most positively and peremptorily. It is proved by Mr. Hunt, and I believe also by Mr. Bryant, that he was threatened to be turned out of the room, in consequence of the gross impropriety of his expressions and conduct.

But, Gentlemen, these things are slight and trivial, when compared with the infamy of the circumstance to which I shall beg now to direct your attention. They show indeed, that he has no regard for the obligation of an oath, and that you can place no secure reliance on his testimony. But recollect, Gentlemen, that remarkable interview between Mr. Hunt and Castle, on the 2d of December. I beg to recal the circumstances of that part of the case distinctly to your minds. How does it stand? Castle had been at the Tower; he knew the actual state of the Tower; he was going back to Spa-fields; he met Mr. Hunt; he told Mr. Hunt that the Tower had been in his possession, or in the possession of his friends for an hour, and begged him to return with him for the purpose of co-operating in that project. He denied most positively and most peremptorily when the questions were put to him, that any conversation of that kind passed with Mr. Hunt. It was put by my learned friends in a variety of shapes, that there might be no reserve, no subterfuge, nothing from which he could withdraw himself; he denied it most peremptorily;

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and most positively, in every shape in which the question was presented to his mind. Now, what does Mr. Hunt say? He swears all this took place; he states it to you in the most distinct terms. Remember, Gentlemen, I am now talking only of contradiction; I am not adverting to the malignity of the motives of Castle; if I were to touch upon that topic, upon the fiend-like and detestable disposition and views which he appears to have entertained towards Mr. Hunt, and his wish to entrap and ensnare him into the commission of crimes, in order that he might make him his victim;—a conduct which he has practised towards some of the persons now standing before the country for their deliverance; that alone is a circumstance which deprives him of all confidence and all title to credit, before any rational tribunal in any civilized community.

But, Gentlemen, let us pass on: there is another test which I have submitted to your consideration as applicable to cases of this kind, namely, whether the party stands in circumstances of suspicion at the time he is giving his evidence. In what situation does Castle stand at this moment, according to his own representation? He is in the care and custody of the police; the police of Bow-street; the police of that office of which the notorious Vaughan and his associates were members. He is clothed by them, he is fed by them, he goes about to collect evidence with them. He states that money was given to him to enable him to send his wife into Yorkshire, for some purpose which he does not choose to communicate; he refuses to inform us what the motive was; but I have strong suspicions upon the subject. It was expected that he might be tried for an offence with which he has been charged; an accusation had been made, and it might have been necessary, in case of a prosecution, to have identified the person of this woman, and for the purpose of avoiding that which would have had the effect of entirely

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destroying his testimony in this cause, and rendered him incompetent to be heard as a witness, she was sent into Yorkshire. Gentlemen, I do not state this as a fact, because I do not with certainty know it; but I have my suspicions upon the subject, and I think you will entertain the same suspicions. I do not perceive on what other ground the money could have been advanced by the Bow-street police, for the purpose of sending this woman into Yorkshire, more particularly when she was a material witness, who might have been called for the Crown upon this occasion, and confirmed the testimony of her husband, if his story were true. Thus every test by which the credit of the witness is to be tried, fails upon this occasion. His previous character is proved to be infamous; his tale is utterly incredible; he is contradicted in many important facts; he stands in a situation and under circumstances of great suspicion; lastly, then, is he confirmed in essential parts of his evidence.

It is contended that he is so confirmed. Let us look, then, to the circumstances of confirmation, and see whether, independently of the other objections which I have submitted to you, those circumstances are such as to satisfy your minds that a secure reliance may be placed upon the rest of his testimony; not whether you may entertain your doubts and suspicions, for this is a criminal charge; it is not to be decided by doubts or suspicions; it is a case of the highest magnitude; it is to be provably established; not made out by inference, not by conjecture, not by strains of wit, to refer again to the words of Lord Coke, but by plain demonstrative proof. Let us then refer to the circumstances of confirmation: and here I shall confine myself, in the first instance, to the great plot; that plot which is supposed to have been abandoned; what is the story he himself tells of the case? "Mr. Watson introduced himself to me;" it seems, he did not know Mr.

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Watson before; he had seen him; but his expression was, "Mr. Watson introduced himself to me by saying, what a very easy thing it would be to overturn the Government, if it were well managed." What! one man introduce himself to a stranger in that way, without any previous acquaintance, without even knowing his residence, without feeling his pulse, without trying his temper and disposition and character? Is it within the ordinary rules of probability, or even of possibility, that this can be true? Do you believe it to be true, that Mr. Watson introduced himself by so preposterous a proposition? But, Gentlemen, let us see what happens the next day: the next day Watson calls upon him, without any thing further passing between them, and produces a drawing, as it is said, of a machine to destroy the cavalry, and a plan of the Tower. You have seen the drawing of this machine, and you have also seen this supposed plan of the Tower; whether it be a machine to destroy cavalry, or for any other purpose, is mere matter of conjecture. It does not appear, nor can it be collected from the drawing itself, that it was intended for that purpose, rests solely on the unsupported testimony of Castle. But let us examine this further: these papers were taken on the 5th of December by the Bow-street officers. Castle has been under the care of the Bow-street officers for two or three months previous to this trial; do you suppose that he has not seen these papers from time to time? that he has not inspected and examined them? Then how does the production of these papers tend to confirm the truth of his story, unless it is also proved that his story respecting them was told before he saw the papers. The papers were produced to him; he is a man of an inventive genius, fruitful in mischief; what, then, is more probable than that, on seeing them, he should engraft a story upon them? He is a liar, a practised liar; that is in proof: is there any thing more probable than that, on seeing the

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papers, he should invent a story founded upon them? And then my learned friend, the Attorney General, gravely says, Look at these papers; these are confirmations of the truth of his story. This is the course of the argument arising out of the conduct of the cause; it is the language indeed of the cause, not the language of my learned friend; he could not bring himself (I know his good sense, I know his acuteness, and the accurate habits of his mind) he could not bring himself to state such a proposition in terms, but he has said it in effect, by the manner in which he shapes and conducts this cause. The proposition is so extravagant, that its absurdity must at once have been discovered, if he had put it into words. I know and respect his understanding too much, to suppose it possible that he could have brought himself to have given utterance to it.

Now, Gentlemen, let us look a little further; when was this great plot formed, when was it unfolded and agreed upon, and who were present upon the occasion; it was on a Sunday, as it is stated, in Greystoke-place. Gentlemen, there was according to the evidence of Castle, a person present at the time, whose name I find in the list of witnesses which has been handed to us by the officers of the Crown. I find in that list of witnesses, a person of the name of Harrison; John Harrison, of Castle-street Long Acre, in the county of Middlesex, turner; here he is in the list which I hold in my hand; he was present at that meeting, he was one of the parties there, according to the evidence of Castle; he has been sent for by the officers of the Crown, and they have examined him I presume, or he never would have been in the list of their witnesses; I do not mean to insinuate that my learned friend, the Attorney General, has ever set eyes upon him; but the agents of the Crown have examined him, because his name is in the list of witnesses, but they have not

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prosecution. Gentlemen, in the conduct of a civil cause there is sometimes a little excusable dexterity and address displayed; a witness may be withheld on the part of the plaintiff, you may leave the other side to call him, and this little address and management may perhaps be allowable in a question of mere civil right; but it is a very different thing for the law officers of the Crown to withhold a witness in a case of high treason; do not they wish the whole truth to be exposed? and if they wish the whole truth to be exposed, why is not this witness brought forward. Gentlemen, is it necessary for me to argue more upon this subject? I can tell you why they did not call him, because they imagined and thought and knew that he would not support the extravagant story told by their other witness Castle. No other solution can be given of their conduct. They might have given him a pardon if he had committed any offence, and might have availed themselves of his evidence. I know what will be said on the other side, why that we may call him; that is the answer the Solicitor General will give. But we do not stand in need of calling him; it is not requisite for the prisoner to call him. My learned friends were to make out the case on the part of the Crown, in the affirmative, by clear indisputable evidence; they have not made it out in that way, but have relied on the testimony of Castle; do you believe him then? Can you give credit to his absurd story? Here is another witness whom they will not produce. We do not call him, for we rest the case upon the credit of the story told by Castle himself, the witness for the prosecution; and we ask with confidence, whether you do not think that if the sole object of the Crown be the investigation of truth, they ought not to have produced before you, particularly after they had discovered the true character of Castle, every witness who could by possibility have spoken to the transaction in question. Do not let it be retorted

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upon us, that we might have called the witness of the Crown for the purpose of answering the accomplice of the Crown. I repeat it, if the object of the Crown be the investigation of truth, which I presume it is, they ought to have exposed the whole case before you by every witness who could have thrown light upon the subject.

Now, Gentlemen, let us examine a little further, the pikes are insisted upon; is there the slightest degree of evidence except the testimony of Castle, to shew that the prisoner at the bar ever saw or heard of any one of those pikes? I put it to you broadly, upon the evidence, and I defy it to be stated on the other side, that there is the slightest degree of evidence except the testimony of Castle, to shew that he ever saw or heard or knew of these pikes, or of the place where they were deposited——

Mr. Wetherell. Spikes, not pikes.

Mr. Serjeant Copley. Spikes then, as my learned friend says; I do not care what they are called—where were they found? In the son's lodgings. But the father had access, it is said, to those lodgings; are you then to presume in a case of high treason, that he knew of them, because they were concealed in the lodgings of his son where he occasionally visited? But, Gentlemen, if they had been seen by the prisoner, this might have been proved. Here Harrison appears again. Harrison, it is said by Castle, was to have procured handles for them, or at least pointed out who might be employed for that purpose; why is not he called, in order to confirm Castle as to that material fact? But we are told that the pikes were made for the purposes of the conspiracy, and yet the plot breaks out, and by previous concert, on the 23d of December, and they are not even prepared to be used; what do I infer from this circumstance? Why that the prisoners, these conspirators, as they are called, did not know that the pikes were in existence. I do not care what knowledge young Watson had of them,

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Young Watson, as we have it in evidence, was a youth of about twenty years of age, of a hasty impetuous temper, fixed upon by Castle as a person whom he meant to sacrifice for his own base purposes; and if this young man had in truth any thing to do with the pikes, it was I am confident by the instrumentality and contrivance of Castle alone. But, Gentlemen, how is the prisoner to be affected by it? I grant that if you make out by unexceptionable evidence, a clear case of conspiracy between these parties, to overthrow the State, that each would be affected by the acts of the others committed in prosecution of the common object, but no such a case is made out; but instead of it, the pikes are to be used, first, for the purpose of proving a conspiracy to overturn the Government, and then for the purpose of rendering Mr. Watson responsible for the acts of others in which he had no personal concern. This is a most fallacious mode of arguing; establish, in the first instance, that there was a conspiracy between them directed to those objects and those views, and then whatever is done by one, in furtherance of the objects of the conspiracy, will apply against the rest; but unless you establish the conspiracy, and to this extent, the act of one cannot in common justice affect the others, particularly, where there is no satisfactory proof of their having any knowledge of such act. The prisoners might have been desirous of having a meeting at Spa-fields, and if you please even for mischievous purposes; but one of them, seduced and led astray by some malignant villain, might have privately entertained a more desperate design. How is this to affect the rest, unless it is proved, and satisfactorily proved, that they were partakers in such design. The pikes were not only not used, but not even prepared to be used; how then can it be supposed that the prisoners were concerned in ordering them with a view to the alleged conspiracy. Is such conduct consistent with common sense

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of common understanding, or any of the rules by which the actions of men are governed? But it seems a pattern pike was made, and this appears by the evidence of Bentley, and it is said it was produced at a meeting where Watson was present; but by whom is this stated? By Castle; he says it was produced at a meeting. This rests then solely upon his evidence, therefore is entitled to no attention. It does not appear then, when we come to examine the case with attention, that the prisoner Watson is at all implicated in respect of the pikes, or that they afford the slightest inference against him. We are not upon a question of this nature to surrender our understandings and suffer ourselves to be blindly led astray by unmeaning phrases and little technical rules or supposed rules. It is our duty to investigate the subject fairly and liberally, to examine it upon principle; and say whether it is possible that you can, consistently with common justice, unless you first establish a conspiracy to overthrow the Government, make use of the acts of young Watson when separated from his father, without proof of these acts being known to the father, for the purpose of fixing criminality upon him; I am quite sure you will feel that you cannot.

Now, Gentlemen, as to the plan of setting fire to the barracks, and the confirmation upon that point, which has been so much relied upon; this is a most extraordinary part of the case; what is the evidence? But before I advert to it, let me remind you again of the principle on which a man like Castle acts; he selects particular circumstances which have really occurred, and builds his inventions upon them. See what the real facts are in this case. He and the prisoner take a walk with a man of the name of Skinner; they walk past the barracks, and there is some conversation about the avenues. I have no doubt that Castle recollected these circumstances, for I think it probable that such a walk did really take place. It occurs then to

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his mind, a mind fruitful in evil, that upon this simple fact a story may be engrafted, and then this fact is to be introduced for the purpose of establishing and confirming his story; this is called confirmation. These are the arguments made use for the purpose of persuading you to think you may safely give credit to his evidence. There is another fact insisted upon. Cosser's house is taken, near the barracks; it is taken for an oil and seed shop, though Castle, by the way, said it was for an oil and colour shop. Young Watson had relations in the country, farming upon an extensive scale; he might think of beginning business in a line in which they might be of service to him. He refers to Thistlewood for a character; Thistlewood mentions his friends in Lincolnshire, but says nothing about his father in London, and some stress is attempted to be laid upon this circumstance—nothing can be more idle. Young Watson was desirous of obtaining credit for the house; the father was in poor circumstances; his friends in the country were more prosperous; it was not perhaps perfectly correct on the part of Thistlewood, but he might have thought that the circumstances of the father would prevent credit being given to the son, and, therefore, he referred to the family in Lincolnshire. But here is a treaty for a house, and upon this house the plot is again built. Castle knew all this; he knew that young Watson had applied for the house, and, therefore, it is to be made use of for the purposes of the conspiracy, and for what? for putting in combustibles to be employed in the absurd story of burning the soldiers and stifling them in their barracks. If it had appeared that Castle had stated all this immediately upon his being apprehended; that, at the instant, he had told his whole story; that he had had no time to prepare it; that these circumstances had afterwards come out one by one confirming his statement—this might have had the appearance of confirmation; but if

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you find that he has had ample time and opportunity to prepare it, and to connect his own falsehoods with things that really occurred, and to blend and dovetail them together, where, I ask, is the confirmation which can reasonably lead you to believe that which rests upon his testimony alone? Am I pursuing the subject correctly? I wish to treat it with plainness and simplicity; there can be no danger to the prisoner but in perplexing and confusing it. Are the observations then which I am making well founded? I would not offer them to your attention unless in my conscience I believed them to be so; at least, therefore, I may hope that they will weigh with you, and have upon your minds some portion of that influence which they have had upon my own.

But, Gentlemen, to recur to this plan for burning the barracks. How, according to the evidence of Castle, is it defeated? Because they cannot advance fifteen pounds to pay a quarter's rent for the house. Is this to be credited? They are to seize all the plate of the nobility; they are to possess themselves of the Bank; they are to make themselves masters of the whole metropolis; and Thistlewood determines that nothing shall delay the enterprise, and that he will at all hazards commence it on the next Saturday—and yet all this passed away as a dream, because they could not advance money; and be it remarked too, that, according to the evidence of Castle, money was not necessary. But a bill would have answered, which would not have been payable till after the revolutionary government had been established. The thing, Gentlemen, is too preposterous for belief.

Gentlemen, there is something more: there are some papers, but not proved to be in his hand-writing, found in Watson's pocket, when he was apprehended at Highgate. To whom do those papers go? To Bow-street; they are in the custody of the Bow-street officers; they are, I pre-

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same, seen by Castle. You will, I am persuaded, take it, that they were communicated to Castle.

Mr. Attorney General. My Lord, I must interpose; there is no evidence that they were seen by Castle, and the fact was not so.

Mr. Serjeant Copley. Gentlemen, I do not mean to say it was so proved. I declare to God, I do not wish in this cause to state incorrectly the slightest or most trifling circumstance. I conceive, that if I pervert a single fact, I am weakening the cause of my client; and if I do fall into error in this respect, it is because my own recollection does not sufficiently assist me in so long and complicated an enquiry; an enquiry which has now lasted six days, and which circumstance I use as a strong argument in favour of the prisoner at the bar. For if the Crown are to be necessarily employed so long, in endeavouring to make out a case against him, it leads to the conclusion, that it must be a very doubtful case of guilt to require such lengthened proof; but I have not intentionally exaggerated, or given a false colouring to a single fact. If I do so, let me be put right, for I am sure I weaken the cause of my client, and, through my client, the cause of the public, who are so much interested in the result of this enquiry. But these papers were taken to Bow-street; this man Castle has been for months in the keeping of the Bow-street officers; he has assisted them in looking for evidence; and I repeat, it is almost impossible that the contents of these papers should not have been communicated to him. Remember, it is not proved that they were *not* shewn to him. I take it therefore that there is just ground, from all the circumstances, to infer, without having recourse to mere surmise and speculation, that, upon a knowledge of these papers, and upon the hints which they afford, this most extraordinary story told by Castle has been mainly built. This story has been founded upon them; and, by an ex-

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traordinary mode of reasoning, they are now used as confirmatory of the truth of his story.

Then, Gentlemen, let us lose sight for a moment of the testimony of Castle; and as to the reality of the first and great plot, what are the facts which have been proved to you? There is the walk with Skinner through the streets, in which the barracks are situated, and into Hyde-park, and something said about the avenues; there is the treaty for hiring the house of Cosser; and lastly, there are the papers found in the pocket of Watson. Leave out the evidence of Castle upon this part of the case, and this is the whole evidence from which you are to infer, or rather to guess at, the existence of this most extraordinary, extravagant and incredible design; you are to draw that inference from the circumstance of the walk with Skinner, and the papers found on the person of Watson, and the treaty for the hire of the house from Cosser. But, Gentlemen, I repeat again, I believe for the third time, do not lose sight of the evidence of Castle. If you have any doubt upon the other parts of the case, recal his character and conduct to your recollection, and let his deeds, the deep and settled malignity of his heart and mind, be engraved upon your memories. To lose sight of his evidence would weaken the case of the prisoner, because it taints and contaminates all with which it is connected; it corrupts that which might otherwise be sound in this prosecution. But, Gentlemen, if you do not believe Castle in this part of the case, can you safely credit him as to the rest of his story. I know you will say, we utterly discredit the monstrous fictions to which I have been adverting. If you do not believe him in the reality of the first and great plot, will you believe him in any thing else. The witness comes into court, to tell that which has not even the semblance of truth for its support. Does my learned friend then venture to put such a proposition to you, as that you can

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safely rely upon his testimony in any thing else; is it not repugnant to every principle of reason? I put the question to you with firmness and confidence.

But let me now direct your attention to the other parts of the case, to the second or lesser plot of the 2d of December. Here, also, circumstances of confirmation are mentioned; but let us examine in what they consist! I repeat that, disbelieving Castle as to the one part of his story, you will place no reliance on the rest. But what are the circumstances of confirmation, from which you are called upon to believe him, when he tells you that the object of the meeting of the 2d of December was to overturn the Government; of what description and nature and character are they? A meeting was held in Spa-fields; these parties were concerned in calling that meeting; it was, if you please, a mischievous meeting; one or two of them had arms; great tumults and disturbances ensued. These circumstances are stated by Castle, but they were notorious to all the world. As confirmatory of his evidence in other respects, they amount to nothing. But some of these parties were also at Spital-fields, addressing the people there, and taking measures for the purpose of securing a large assembly of persons on the 2d of December. Castle also states this fact. In this, therefore, it is said he is materially confirmed. That such meetings were held, was never concealed or disguised. What then is the value of this confirmation? Are you therefore to believe him, when he states, that a secret conspiracy was formed to overturn the State, merely because he also states, that there were previous meetings at Spital-fields, which were known to hundreds at the time? But the prisoner, it is said, assisted in procuring and circulating placards and hand-bills for this meeting. This is dwelt upon as another circumstance of confirmation. There is no doubt these parties were very instrumental and active in producing the meeting. I do

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not deny; I do not conceal or disguise it in the least. All these facts were known to many persons, and among others, of course, to Castle; and because he is confirmed as to facts of this description, which were never concealed, you are to believe him when he says, there was a further object in view, a deliberate plan to overturn the State: that is the argument. There is, Gentlemen, another circumstance of confirmation, the evidence of which occupied a considerable portion of your time. But I am fatiguing you and fatiguing myself in dwelling upon these facts, for the reasoning is all alike. I allude to the waggon. No doubt there was a waggon hired for the meeting, and hired in consequence of what passed on a former occasion; but does it follow, because a waggon was really hired, and Castle gives evidence of the fact, that you are to believe him when he says, it was in prosecution of a plan for overturning the Government. This mode of reasoning, and this style of inference, is too idle and futile to require a serious answer, or to deserve even a moment's attention. But the parties, it seems, dined together the day before the meeting of the 2d of December. Two or three witnesses are called to prove that fact. Really this is trifling with your understandings. According to the account given by Castle, a stranger, Angel, was admitted, and suddenly dismissed. In this, which is the only fact as to the dinner which is at all material, he is not confirmed. And yet, if his story were true, Angel might have been called for that purpose. But to show the value of those circumstances of confirmation which have been chiefly insisted upon in this case, let me suppose that any one of you Gentlemen, by some accident, were thrown into the company of a man of this description in two or three different places, and that, availing himself of this, he were to charge you with some infamous crime, you insist in your defence upon the baseness of his character; you receive for answer, True it is, he

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is a notorious liar, a fellow without principle, and stained with every possible crime, but he is confirmed, and witnesses are called to prove that you were seen in his company at the different places which he had mentioned—would it not be absurd and monstrous to take these circumstances as confirmatory of the truth of the charge.

Gentlemen, I have ended this part of the case; I do not mean to say I have canvassed every fact of confirmation which has been insisted upon; it would wear out your patience and mine if I were to attempt to do it; but I have selected the most striking and the most prominent, and shewn, that to a reasonable mind, they do not tend, in the slightest degree, to confirm the evidence of Castle as to the conspiracy to overturn the government, and to lay prostrate the state.

Gentlemen, there is another circumstance of criminality which has been much dwelt upon, for I will not pass over any thing which is considered as material. I allude to the charge of seducing the soldiers. There is a particular Act of Parliament by which that offence is made felony. I do not mean, however, to say, that it may not therefore be used as evidence upon an indictment of treason; but who were the parties concerned in these imprudent and idle conversations? does Watson ever appear in any of them? Castle, throughout, is the principal actor; he introduces and endeavours to recommend himself, by lies, to the soldiery; he represents himself at one time to be a native of Yorkshire, for the purpose of conciliating the favour of a particular individual among them, and proceeds in the same manner with others. I do not attempt, nor do I wish to justify or palliate his conduct. But how does this affect Watson, unless you believe, as I have before so often observed, that they were engaged in a conspiracy to overturn the state. If you establish that Castle and Watson were engaged in such a conspiracy, of which I repeat there is

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no evidence deserving of credit, then I admit he might be affected by the misconduct of Castle; but unless that be made out, it would be cruelty and injustice in the extreme, to make the acts of Castle, or of any other person, evidence to affect the prisoner upon this charge. These persons were certainly desirous that the intended meeting should be as extensive as possible; placards and hand-bills were given to Castle and others to distribute among the people. Is there any thing to shew that this was not *bona fide*, and merely for the object professed. Castle may have gone into the Tower, and distributed the bills improperly among the soldiers; but does that appear to have been ever communicated to Watson, or that he in any way authorized or approved it? I do not feel, with regard to any part of this case, when it comes to be fairly examined, that it affects the prisoner Watson, as to the offence with which he is charged. Do not understand me, however, to say that this meeting, and the riots which ensued, were not highly improper, and ought not to have been prevented, and the authors punished; but I do say there is no evidence to make out the crime of high treason against the prisoner; for I am sure you must be satisfied there is no proof to shew, that this mischievous mob, had in view the overturning the government of the country.

Gentlemen, I have examined the outline of the case, as far as the question of conspiracy is concerned; there are many slighter circumstances upon which, if the time would permit, I might comment, and perhaps with effect; but I pass them over, leaving the matter to your good sense and discernment, and to that attention which you have shewn through the whole of this complicated enquiry. I am quite convinced I may leave them safely in your hands.

But, Gentlemen, let us now consider how the case stands upon those facts which are established, independently of

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the evidence of Castle, I mean as to the proceedings of the 2d of December, and the steps previously taken, with a view to the meeting on that day, upon this part of the case, which my friend, Mr. Wetherell, has so fully considered. I shall be extremely short. What I have hitherto been commenting upon is, either the evidence of Castle, or the facts supposed to be confirmatory of his evidence. The circumstances to which I am now to advert, are circumstances of which we have been, as it were, witnesses, from the part we have taken in this enquiry. In the first place, then, in the order of the proofs, there is the advertisement for the original meeting. Is there any objection to that advertisement? if I properly understood the Attorney General, he did not object to it. In his address to you, he admitted, for he was compelled to admit, that parties had a right to meet for the purpose of petitioning.—Gentlemen, this is a right we claim by the law and constitution of the country. It is a right for which our fathers fought and bled, which was established by the petition of right in the reign of Charles the First; and after the overthrow of the Stuart family, was confirmed by the Bill of Rights, in the first year of William. We do not accept this as a boon, or concession, from the Attorney General. If the people, or any particular class of the people, are reduced to a state of poverty and distress, if they think their misfortunes are to be referred to the mismanagement of the persons entrusted with the government of the country, if they have any grievances, either real or imaginary, they have a clear right to assemble for the purpose of making them known by petition, to the Sovereign, or to Parliament; this is a part of the law and constitution of the country; it is a right which has never, of late years, been questioned, and I hope and trust never will be questioned in future. We know, indeed that formerly, in the arbitrary reign of Charles the First, when the courts of justice were

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disgraced by their subserviency to the will of the court, cases have happened where persons have been fined and imprisoned, and their ears nailed to the pillory, for daring to petition; but, I thank God, those times are passed, and, I fervently pray and trust, never to return——

Mr. Attorney General. I never questioned that.

Mr. Serjeant Copley. The Attorney General says he never questioned this; he never did; he never could. Let us pass on. Something has been said about these persons being Spenceans. Is there any evidence in the cause upon the subject; the name indeed has been mentioned, but there has been no evidence to show of what those societies consist, or what are their principles or doctrines. What the Attorney General has stated upon this head, appears, from the information I have received, not to be correct. But, Gentlemen, we are not enquiring into mere theoretical principles and notions. A man may maintain the principles of the Spenceans, without being, on that account, amenable to the law. The principles of the Spencean sytem, as I understand it, is not to give a certain portion of the land to each individual, but to vest the whole in the government, in order that they may parcel it out according to a certain plan for that purpose; a scheme more visionary and absurd, if possible, than the former. But what has all this to do with the present charge of high treason?

Then, Gentlemen, we come to the adjournment; who proposes the adjournment? It is a great feature of my learned friend the Attorney General's case, that this adjournment to the 2d of December, was proposed as an amendment by young Watson, and by previous concert, with a view to the objects of the conspiracy. But mark the conduct of the prisoner at the bar; he interferes to prevent it. According to the Attorney General, an early day, the 2d of December, was to be fixed upon to carry their

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plans into effect, that is their case. What says Hunt? It is true young Watson proposed the adjournment at the suggestion of somebody at the bottom of the room; but his father interposed, he endeavoured to restrain his son, and proposed a more distant period.

Our attention is then drawn to the great placard, "England expects every man to do his duty," the words, almost the last words, of the immortal Nelson, the favourite hero of the British nation. They recal his great and splendid and glorious achievements; they recal the gallantry, the unshaken firmness and constancy of his brave companions in arms, of those men who have so nobly fought, and bled, and died for their country. To what is this bold and exalted spirit to be referred? To the freedom of our institutions and laws, and to that proud feeling of personal independence, which it breathes into the heart and soul of man. Let us cherish and revere it.

Something is said in the placard about Ireland, and about the wretched state of distress to which the nation has been reduced; I will not enquire whether or not the picture is exaggerated; I think I have seen things as strong reported about that time in the public newspapers, as the speeches of members of the legislature. It may, I admit, be wrong to address such things, whether true or false, to the multitude; it may be wrong so to stimulate their passions; it may have been done with a mischievous purpose—but was it done with a treasonable purpose, with an intent at once to subvert the government of the country?

The colours have been much insisted upon and introduced with considerable parade to your view. Mr. Dowling spoke of *the* tri-coloured flag, which afterwards turned out to be *a* tri-coloured flag; it was important that my learned friend should set that right, because the impression at first conveyed by Mr. Dowling's evidence was, that this

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the tri-coloured flag of the French revolution; but this might be a mistake, an unintentional slip of the tongue. But what then are we to think of the speech of the Attorney General, who descanted with so much eloquence upon this tri-coloured flag, as the standard of revolution and anarchy in France, under the shade of which such monstrous horrors and atrocities were committed, and which was afterwards unfurled in prosecution of the most gigantic scheme of conquest that ever alarmed and agitated the world? I am persuaded that my learned friend really thought, when he addressed you, that it was the tri-coloured flag of the French revolution; I am persuaded he thought so, because I am sure he would not intentionally mislead you; but he was misinformed upon the subject. It is true that the ribbons consist of three colours, but they are not the colours of the French revolution and they refer to different objects. The tri-coloured ribbon of France was first introduced upon the meeting of the states-general; that tri-coloured ribbon which with us, is the symbol of loyalty, and which at every turn meets our view in the hats of the warders who surround us. The white had reference to the crown, the red to the nobility, and the blue to the people. In the tri-coloured ribbon of Spa-fields, the white had reference to truth, the green to nature, and the red to justice. Not only was the object different but the colours were dissimilar; and throughout the whole of this inquiry it is remarkable, that not even in the evidence of Castle himself, does it appear that any allusion or reference was ever made to the French revolution by any one of the prisoners. What a cause then it must be, that stands in need of such arguments and inferences for its support.

Now, Gentlemen, let me direct your attention to the meeting itself. At the time when these parties were assembled and addressed the multitude, the magistrates were

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in the neighbourhood; the Bow-street officers were on the spot; Limbrick tells you that three quarters of an hour elapsed between the time when he heard the speeches and the alarm in Coppice-row. It is plain, therefore, that by a timely interference the magistrates might have prevented this disturbance; but it seems they were supine and inactive, they might have put it down at once and almost without effort, for it is evident, that half a dozen men possessing the spirit of Mr. Stafford, would have been sufficient to have put to flight this disorderly rabble. But although they had the civil and military power upon the the spot and at their command, they did not interfere for the purpose of preventing these outrages. A body of dancers were in Gray's Inn-lane, sufficient alone to have dispersed the whole populace of London. What then do I infer from this, that the persons who were at the place, who heard the speeches, and saw what passed, and who had a discretion to act, according to the emergency, did not consider this in the formidable light in which it has been represented to you, as an insurrection, a rebellion, a flagrant civil war. I wish to God they had interfered as it was their duty to have done, and prevented those disorders which afterwards ensued, and which have given rise to these ill-judged prosecutions.

But, Gentlemen, the next circumstance insisted upon by the Crown, are the speeches delivered by the two Watsons. What account have you of those speeches? The short-hand note of Mr. Dowling; I confess, that I for one, do not place much confidence in that report. I know a little what a short-hand report is, even when taken in a court of justice, and under the most favourable circumstances. There is one Gentleman indeed now in my eye, on whose accuracy I can place the most implicit reliance; but he is a distinguished exception; and I am quite satisfied, that the Attorney General himself has seen

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many reports of his own speeches, which he has in vain endeavoured to recognize. What then, Gentlemen, are you to think of a report made by a person in the situation of Mr. Dowling, forced alternately to the right and the left, according to the sway of the multitude, and amidst the most indescribable tumult and uproar. But Mr. Dowling publishes his account in the newspapers; we do not know what that account was; but he afterwards goes to the office of the Secretary of State, and makes some communication. We are told, that we have no right to inquire into that communication. It turns out, however, that the speeches published previous to that interview do not quite correspond with the report now produced. Mr. Dowling was about to state how that happened; he was prevented. All that I say, therefore, is, that different statements have been made by Mr. Dowling. Another witness, young Sheerman, is called on the part of the Crown; he could collect only a few words, there was a continual pushing about, a great noise and disturbance, and he could hear but little, and that imperfectly, and yet he was as near the speakers as Mr. Dowling. Another witness who has been called to-day, a very intelligent gentleman, though he went to the spot to get information, and was very near the waggon, was only able to collect in general, that the speech was about the Prince Regent. Can you then place any confident reliance upon the accuracy of speeches reported under such circumstances by Dowling? I wish to impute nothing to any man unnecessarily, but I should not discharge my duty properly in this cause, if I did not make the observations which the facts fairly suggest. You will remember too, that Mr. Dowling is contradicted in a material fact by Mr. Steers. There was a question put to Mr. Dowling by my friend Mr. Wetherall, whether he had not said, that he had or expected a place or other remuneration for his services?

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He did not answer it very distinctly, but said in substance, he had only declared that he expected to be paid a fair equivalent for his time and trouble. It appears, however, by the evidence of Steers, that he informed him, that he had either got or expected something for himself or his brother, to the amount of two or three hundred pounds, for his exertions upon this occasion. In the report of a speech, much may depend upon a word—upon a difference in the turn of a phrase, and other circumstances. But too much stress has been laid upon this part of the case, upon the speeches supposed to have been delivered upon this occasion. They might be improper, and perhaps all the speeches delivered at the Spa-fields meeting, whether by the prisoner, or by Mr. Hunt, or any other person, were improper, inflammatory speeches addressed to the multitude, especially in seasons of distress are highly censurable. But still that is not the question here. You are inquiring not whether they have acted indiscreetly and improperly, but whether they have been guilty of high treason; whether they had formed and matured a plan to subvert the Government; or whether what they did was for the purpose and in the spirit of general mischief, without any settled determinate object or design.

Let us then trace them in their progress. They break up from the place of meeting, and proceed with their two flags and banner along Coppice-row; they are immediately attacked by Mr. Stafford; he is without arms, and it does not appear that there was any person to assist him, except Limbrick; they seize the banner and one of the flags, and the rest of the party escape, literally escape from these two officers. What are their numbers? It is stated by Huggins, that they did not exceed a hundred, and in this he is confirmed by another witness, who saw them in Skinner-street. It is true, they were afterwards joined by a number of spectators, women and idle boys, but this

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revolutionary army, of which we have heard so much, and which seems to have filled my learned friends with dismay, consisted of nothing but a rabble of an hundred men. I touch these facts very cursorily, because they have been presented so admirably to your view by Mr. Wetherell I will not weaken the impression which he must have made upon your minds. But to follow the progress of this hostile array:—After passing the Rubicon at Coppice-row, where they are put to flight by two Bow-street officers, they proceed through Smithfield to Skinner-street; they afterwards attack Mr. Beckwith's shop, which they break open. I do not justify that outrage; it was in every view of it most abominable. I hope to God the explanation, which I think may be given, as to young Watson, is correct; not that he is here to answer for the crime, but for the sake of his own feelings, his future comfort in life. I hope that he never did intend to fire the pistol, and that it was the result of accident. It is clear that the evidence of Mr. Platt and of Hone are at variance; which then of the two is most likely to be correct, the man who was wounded, or the man who was a cool spectator of the transaction? Hone tells you, that the hands of Mr. Platt were upon the shoulders of young Watson, and that the pistol immediately afterwards went off. I think he said in less than a second, and that he instantly threw down the pistol, and expressed great concern and contrition. It is possible it might have been the result of accident; but he is not here to answer for the offence, he is not amenable to the laws, and the prisoner is not responsible for his misconduct. There is something singular as to the attack on Beckwith's, and which you cannot fail to have noticed. It does not appear by any means certain, that the rioters originally intended to attack the shop or seize the arms; they passed the house, they enquired at the door for young Watson, they were near the shop for upwards of fifteen

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minutes, without shewing any intention of committing violence, and it was only in consequence of their being deceived, and seeing young Watson in confinement at an upper window, that they commenced the attack which led to the seizure of the arms. It is possible, and you will always put the most lenient and favourable construction that the circumstances will admit upon the conduct of men, that all this violence might have arisen from the seizure and confinement of young Watson. Then, Gentlemen, having once procured arms in this mode, is it unlikely that the same thing would be repeated, and the same acts of violence renewed. It is unnecessary however to enter into these speculations in considering the present charge.

But, Gentlemen, let us accompany them further. It is said by Castle, that a part of the plan was to attack and take possession of the Bank. It appears, however, from the evidence of the witnesses for the Crown, that they actually passed the Bank, proceeded down Princes-street and into Cornhill, without taking any steps in furtherance of their supposed design. And yet we are gravely told of a plan to storm the Bank, to block up the avenues with the books, and to defend it with glass bottles, against the military power of the country. Does not the story defeat itself by its own inconsistencies and extravagance? There was nothing of which these conspirators were supposed to be so much in want as funds; even the possession of arms was not of more importance to them; they conceived, it is said, that the Bank would supply this deficiency, but instead of attacking it, they pass its very gates, and go in pursuit of other objects.

Their next exploit is the skirmish at the Exchange. This is called a levying war; a tumultuary movement, contemptible in numbers and means, and without any fixed object or design. They are attacked by eight or

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[illegible] with the worthy Chief Magistrate of the city at their head, who is among the witnesses for the Crown, but who, for what reason does not appear, has not been called. Is it because the counsel for the prosecution were apprehensive that he would have laughed at the idea of this being a civil case? But do not suppose that I mean to cast the slightest imputation: I know the gentlemen acting for the Crown, to be men of the most honourable character. No person can be more ready to pay them this tribute, and in the fullest manner than myself: but the Lord Mayor is not called. Sir James Shaw, however, is a witness. Unarmed, he attacks them, takes the remaining banner almost without a struggle, and the soldiers of this rebel army fly in all directions. The last remnant, to use his expression, were completely dispersed. There was a slight effort to retain the colours, but it was overcome in an instant by the worthy alderman and his friends, and there was not, for a moment, the least alarm in any one of the party. This is a levying war to subvert the government and constitution of the country. Is it possible that the Attorney General can seriously hope, upon these facts, to lead you to such a conclusion;—the most irrational and extravagant, I will venture to say, that ever entered the mind of a human being.

Defeated and dispersed at the Exchange, a few of the party proceed to the Minories: They are there met by a gentleman for whom I have a great respect; I mean Mr. Hall, who immediately proposes to the persons about him to assist in attacking them. "We could," says he, "have dispersed them in a moment. I considered them "so utterly contemptible, that half a dozen of us, without "arms, could have put them to flight." He then proceeds to the Tower, and applies for a piquet of twenty men, which is refused. It seems they had no orders. He immediately returns, and finds the riot increased:—But

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how increased?—By idle spectators, boys and women. Mr. Brandon tells you, half a dozen red coats would have taken them prisoners, or dispersed them.

Thus, Gentlemen, I am brought almost to the close of this most extraordinary campaign. There is one observation arising out of it which I cannot forbear making. These rioters are unopposed, with the exception of what occurred at the Exchange. No civil power—no military or armed force of any description is brought against them.—They are absolutely without check or control. What then do they do?—these persons who are supposed to have conspired to levy war for some definite end;—they wander about without aim or object;—they possess themselves of arms; and, instead of using them for the purpose of mischief, they fire a feu-de-joie in the air, to commemorate (I use the words of Mr. Hall) to commemorate their victories. Does this look like a settled intention, a fixed design to overturn the Government. If they had been immediately checked and quelled, it might then perhaps, with some plausibility, have been said, that they intended to have levied war against the King and the Government; to have marched to Saint James's, to have seized the persons of His Majesty's ministers, to have taken the Palace, the Bank, and so on. But what is the case here? They get possession of arms, they continue without control for hours together, and yet what do they do? What object do they aim at;—what is their purpose and design?—Clearly nothing. They do not even know what to do with their arms. They fire them in the air. Even the mischief was done (according to some of the witnesses) in good humour, and with the appearance of thoughtlessness. Where, then, is the treason? The charge repels itself. It can make no impression on your understandings. I do not hesitate for a moment with respect to

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the result. I know how I should act in your situation, and therefore feel confident as to your determination.

Then, Gentlemen, we get to the Tower: there is a mob supposed to advance towards the edge of the ditch, and to make a ridiculous address to the men on the ramparts. By whom is this proved? By two soldiers, who give different accounts of the transaction. Heyward is then called, and he contradicts the soldiers: he says, "I stood by this man; I heard him; there was an alarm of the military, and he put his sword under his great coat and walked away." It is clear, therefore, if he speaks true, that he heard the whole. Now what account does he give of the man offered, he says, to make the privates captains, and to double their pay, in case they would come and join them; that was all. Now let us see what this same person says, according to the evidence of Darlington: "Open the gates soldiers and let us in, and every man shall have a hundred guineas bounty and double pay;" he adds, "we do not take the soldiers to be our enemies, but our friends, they have been fighting for the rights of their country, and could not have them." But according to the testimony of Heyward, who says he heard the whole, for he saw the man go away, no such words were used. But who is Heyward? we have called witnesses for the purpose of letting you into his character; of telling you that he is not a person to be trusted, not to be believed upon his oath. It will be for you then to consider what degree of reliance is to be placed upon his testimony; but after all, it was not Watson, the prisoner, who played this ridiculous farce. If you ask me what I think of the story, I say at once, I do not believe a word of it. But, Gentlemen, there is another person who speaks as to what is supposed to have passed at the Tower, the witness Castle. What is the account which he gave in answer to a question

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put and pursued with so much acuteness by you. According to the account given by Heyward and the soldiers, there was only one person concerned in making this absurd harangue. But this would not answer the purpose of Castle. Eager to implicate the prisoner, he tells you there were two; I saw them, he says, sideways, and they were both speaking to the soldiers; I saw it distinctly. He does not put it as a matter of doubt, he swears it positively and peremptorily. But again, Gentlemen, look at another part of his statement. One of the other witnesses said there were only two soldiers upon the ramparts; that he was going to the parade himself, and the other was the sentry. What does Castle say? he tells you there were not many soldiers upon the ramparts, not more than forty or fifty; but I am sure, he says, there were forty or fifty; I am positive there was that number. The witnesses differ in the accounts which they give; one says there was a mob; another says there was nobody but the man who spoke; but Castle, who brings up the rear, differs from them all; so that this absurd story respecting the Tower is inconsistent and contradictory in every part of it. Is this then to convict a man provably, according to the language of the statute of Edward III, or to use the comment of Lord Coke, by plain and manifest proof? Throughout there is nothing but contradiction, absurdity, and the most glaring falsehood. I call upon you with confidence, to say, whether you can believe or act upon such evidence.

Gentlemen, there is another part of this case:—As to the ammunition in the waggon, the witness, Windermande, said yesterday, it was put in by Castle. I believe Castle, from the beginning to the end, intended to make these men his prey, and that with this view he endeavoured to draw and seduce them into the commission of crimes. He appears on every occasion to have been the most forward

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and the most active. I believe this to have been the malignant principle of his mind and conduct, to endeavour to entrap and ensnare his associates. I believe that to have existed in this case, which we are told by very high authority, to which however I must not more particularly allude, has existed in other cases; that persons have been incited and goaded on by base and treacherous men, to commit crimes, in order that they might afterwards betray them. Is it proved that any other person except Castle knew that this ammunition was put into the waggon? on the contrary, is it not clear that no other person did know it, if they knew of it, and intended as a part of their design to break open the gunsmiths shops, would they have left this ammunition behind them? but Castle, who had placed it there, was absent; no other person knew of its being in the waggon, and it was therefore left behind. So much for the ammunition.

There is another circumstance which has been proved, and which was evidently intended to make an impression upon your minds; I allude to Mr. Watson's apprehension at Highgate; but what are we to infer from it? he had been at a mischievous and riotous meeting; he was liable to prosecution and punishment; he was endeavouring, if you will, to get out of the way; but does it follow, therefore, that he was conscious that he had committed high treason? can such an argument be made use of? is there any inference from this circumstance, on which you can place reliance with reference to the present charge? Thus every part of the case refutes the deductions and inferences raised by the Counsel for the Crown.

Gentlemen, I feel grateful for your attention; I have gone through the case, and am exhausted. I am confident that you will see it in its true light, as a mere riot, a mischievous riot; that it is not an offence of a higher character; that it had not for its object the overthrow of the Govern-

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must, that it was not in the prosecution of such a design that such an object did not enter into the serious view of the parties, and unless you are clearly satisfied that such were their intentions, you cannot find the prisoner guilty.

But, Gentlemen, I had almost forgotten one thing; I have been addressing myself hitherto, merely to the charge of levying war against the King; but in that I have throughout taken into consideration the intention and object of the parties, as the main ingredient in the case. In so doing, therefore, I have in effect considered the whole question. For if you are of opinion that war was not levied, can you believe, upon the evidence you have heard, that there was a conspiracy to levy war, in order to put the King to death? If not then, do you believe that there was a conspiracy to levy war, for the purpose of deposing the King? If there was no conspiracy to levy war against the King, there could not be a conspiracy to levy war, in order to depose the King. Was there lastly then, a purpose to levy war, to oblige the King to change his measures? if there was no conspiracy to levy war against the King, there could not be a conspiracy to levy war, in order to compel the King to change his measures. These are the different charges against the prisoner at the bar. In all, the arguments and observations are the same, and they receive the same refutation; and though I at first thought it might be necessary to examine in detail each of these allegations, and that this might branch out into a variety of inquiries, in consequence of the different nature and complexity of the charges; yet, in the way in which I have considered the subject, the whole resolves into the question to which your attention has been so often directed—whether there was a fixed and settled plan formed by these six individuals, without means, and without connexion, to subvert the Government; and whether what was done by them, was in prosecution of such plan. It is

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impossible to believe it; there is no credible evidence to support it.

Gentlemen, I have finished; your attention must be fatigued and exhausted. Let me then conclude, by fervently praying, that that Providence which enlightens the minds of men, and pours the spirit of truth and justice into their hearts, will dispense that light and spirit to you, in the discharge of the great duty which is now cast upon you: I feel the utmost confidence in you. I cannot, from the attention you have shown to the evidence, anticipate any other than a favourable result; and I am satisfied, that after duly considering the whole effect of it, you will pronounce the deliverance of the prisoner from this great and weighty charge.

Lord Ellenborough. Mr. Watson; I am to inform you that this is the time, if you wish to address any observations to the jury, for you to do so; but you must not after the Counsel for the Crown has replied.

Mr. Watson. My Lord, after the very able defence I have received from the gentlemen who have spoken in my favour, it would be presumption in me to say a single word to the jury, any more than to disclaim that I had any intention whatever against the form of Government established by King, Lords, and Commons.

Lord Ellenborough. I beg it may be understood, that what I stated respecting a publication of the proceedings, respected all the trials. The Court desire it may be understood, that there must be no publication previous to the close of the trials of all the prisoners.

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REPLY.

MR. SOLICITOR GENERAL.

May it please Your Lordship,

Gentlemen of the Jury,

THE period has at length arrived, when it becomes my duty to address you upon the whole of the case, as it now stands before you; a duty which, at any time and under any circumstances, I should feel myself very incompetent to discharge; but now, when your attention and mine has been wearied for several hours in the course of this morning; after it has been exercised for so many days in this investigation, and when so many topics present themselves to my mind for consideration, I assure you most unfeignedly, that I feel myself quite unequal to do justice to the task which is imposed upon me; but, Gentlemen, I have that consolation which my learned friend who last addressed you also felt upon this occasion, that I am addressing an English Jury, men of integrity, men of understanding, who are to form their conclusion upon the evidence which has been adduced to them, and who will, I have no doubt, when they come to make up their minds upon this case, conscientiously do so.

Gentlemen, I join with my learned friend in the request which he made to you at the outset of his speech, that you will dismiss from your minds, in the investigation of this most important case, any prejudices which may have been excited by what you may have heard without doors; and I have to add to that request, and I add it most seriously, that you will at the same time discharge from your minds all prejudices which may have been

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raised from what you may have heard within; because I must state, that in the course of my short experience at the bar, I have never heard charges advanced more boldly or with more confidence than have been advanced upon this occasion; charges directed not only against those by whom the prosecution has been instituted, but those by whom it is here conducted.

Gentlemen, I know that my learned friend disclaimed imputing any improper motives either to the one or the other; but his expressions cannot be forgotten; and when that speech is read, as my learned friend anticipates it will be, after this trial is over, those expressions will remain; and therefore it becomes me, at the outset of that which I have to address to you, to say, that although my learned friend intended nothing, as he says, personally against those against whom his expressions were directed, yet that nothing which has appeared in this cause (and it is only by what has so appeared that it is to be tried, or from which inferences are to be drawn) warrants the imputation upon either the one or the other.

Gentlemen, it was stated by my learned friend, and it was reiterated to you again and again, in the course of his address to you, that the record, as it is framed, this indictment, as it is presented to you, was a mass of confusion; that no precise charge was pointed against the prisoner, and that it was presented to you in that state, in order that, out of the confusion, something might be conjured up against him that might be construed into a crime. You have been told also, that if your verdict should be a verdict of Guilty, that it will go not only to effect the repeal of an existing law, I allude to the Riot Act (for such was the expression of my learned friend) but that it will tend also to establish a new treason, wholly unprecedented, and till now unheard of in the annals of this country; nay, more, that you are called upon to pronounce

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[illegible] conviction upon this occasion merely to serve a political purpose; and still further, that to attain that purpose a witness has been called before you of the most infamous description, in order that the Government, or those who instituted this prosecution, might not only establish, by your verdict, this unheard-of treason, this new-fangled crime, but that they may establish it by perjury, and by perjury procured by them; for I say, that no explanation which can be given of the expressions used by my learned friend (although he disclaims imputing improper motives) can satisfy any man that they do not convey the imputation, that this is a prosecution founded upon the basest conspiracy, procured for the purpose, and that it is intended to establish for the first time in the annals of this country, by the decision of a British Jury, under the direction of the most enlightened Court in the kingdom, a new and unheard-of crime. I do therefore most fervently implore you, by the obligation under which you are acting, by the oath which you have taken, that whilst you are discharging from your recollection all those prejudices which are supposed to have been raised without doors, you will dismiss, at the same time, those insinuations thrown out within these walls;—insinuations unfounded, unsupported, and without a single circumstance or a single expression in the cause that can warrant them.

Gentlemen, I am sure that when I am addressing men of your description, the appeal which I make to you will not be made in vain; and that you will come to the decision of this cause, as if you had heard, for the first time, when you entered that box, that this prosecution was instituted, and that you will form your opinion upon the evidence, and upon the evidence alone; and, upon that evidence, notwithstanding the very able address which has been just made to you on the part of the prisoner, unless

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I [illegible] deceive myself in the view which I have taken of this case, I trust before I sit down, that I shall satisfy you and every one who hears me, that the charge against the prisoner has been made out to the fullest extent.

Gentlemen, you have heard a very long and very laborious discussion upon the law of this case, and it becomes me unquestionably, to answer (as I think I can most easily do) the legal propositions which have been advanced, and to show you that the charge preferred against this prisoner, is founded not only upon the statute law of this country, but upon legal decisions repeatedly recognised, and which now form, as much as the statutes themselves, part of the law by which you are to be guided upon this occasion. Much of your attention too, was for a long time directed to what are supposed to be the multifarious charges in this indictment against the prisoner. Now, although the charges are four in number, yet they are all supported by the same acts, and if the same acts prove four different species of treason, the prisoner must abide by the consequence; and when it is complained, that this indictment comprizes a great number of overt acts, and a great number of facts to which the attention of the prisoner is called, let it be recollected, that it is to his advantage, that they should be stated upon the record;—the law has, indeed, directed in this case, that for the benefit of the prisoner every act tending to prove the treason to be established against him, shall be stated upon the record;—and why? That he may have an opportunity of knowing, before he comes to make his defence, the facts which are to be given in evidence to constitute the crime charged against him, and that he may be enabled to prepare for his defence against those facts; and therefore, so far from this being matter of complaint by the prisoner, it is for his benefit; and if it should happen in this case, as it does in many others, that the crime is to be discovered by a long chain of

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circumstances, all tending to the same Conclusion; is that to be called, as my learned friend calls it, cumulative treason? I must confess I do not understand the term, as applied in that way; it is, to be sure, a case of circumstances, but you might as well say that Donellan or Patch, who was convicted of murder upon circumstantial evidence, was convicted of cumulative murder, as that it is attempted to convict this man of cumulative treason, merely, because a number of acts are charged upon the record, from which his criminality is to be proved. These are, indeed, idle complaints; they are complaints made unquestionably for the purpose of the cause; but they are complaints which, when you come to your decision, you ought to dismiss from your minds, for they are unfounded in the first place, and they have nothing to do with that decision in the next.

Then, Gentlemen, what are the charges upon this indictment? The first charge is, that the prisoner, with others compassed, imagined, and intended to move and excite insurrection, rebellion and war against our Lord the King, and to forcibly put our Lord the King to death; and the indictment then goes on to state the acts, which will be given in evidence to prove that treason. My learned friend, who addressed you yesterday, and my learned friend who has just spoken, have, with some degree of ridicule, alluded to this part of the charge; and they say that it is absurd and ridiculous to suppose, as well from his age and his virtues, and other particulars mentioned by them, that personal mischief was intended against the King. But when they were thus addressing you, they as lawyers, must know that this charge did not necessarily point to a direct and immediate attack upon the person of His Majesty; but that by the law, established by decisions which cannot be shaken, although personal violence or personal harm to the King might not be immediately intended, yet

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that if the attack (in the language, I think, used by one of my learned friends) was directed against the majesty of the Crown, and tended to the deposition of the King, or to overthrow the government, it in law constitutes the charge contained in the first count of this indictment, namely the compassing and imagining the death of the King; and I should be exhibiting an idle labour and an useless research, if I were to attempt to cite cases, or to bring before you authorities in support of this proposition.

Gentlemen, my learned friend, Mr. Wetherell said, in the course of his address to you, that he would not take the law from any Attorney General. I beg leave here to say, that I will not take my law from him; and you, Gentlemen, will not receive the law from either of us. The learned judges who preside here, will direct you on that subject, and you will (as you are bound in duty to do) attend to that direction; and if I should be mistaken in any proposition I may venture to lay down to you as an advocate in the cause, it will receive correction from the Court.

Then, Gentlemen, what is the next charge? but passing that, I had better go to the third count, which is framed upon the same Act of Parliament, the Statute of Edward III. That statute, besides the compassing and imagining the death of the King, has also these words: "Or if a man do levy war against our Lord the King in his realm;" and the third charge is a charge of that description: and I shall presently state to you, from those books from which my learned friends have cited their authorities, what have been the opinions and decisions of the learned judges upon this branch of the statute. And here I cannot help interposing one observation upon the fallacy which has pervaded the arguments of my learned friends. It is this:—that there could not be a levying war, unless the treason was successful; unless, for instance, in this

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case, the Bank had been taken, and the Tower destroyed. Gentlemen, this is not so; persons may levy war (and fortunate it is for the country that it is so) without accomplishing their object; but it is not therefore the less levying war. If they appeared in array; if they appeared armed for a treasonable purpose, although they did not demolish one gunsmith's shop, still if you are satisfied of the treasonable intent with which they assembled, the charge in that count, that they levied war, is made out; and therefore, the extent to which war has been levied, or the accomplishment of the object for which it was levied, has nothing to do with your decision. This topic therefore has been used merely to excite your feelings, and through your feelings to influence your judgments. My learned friend who last addressed you, did, indeed, in one instance, put this part of the case upon its true issue; namely, the intent with which the conspirators assembled, and with which these outrages were committed; for as to the actual taking of the Tower, or the destruction of the Bank, which they contemplated, being necessary to the completion of the offence, I beg leave, as a lawyer, to deny it. If those things had taken place, they would have afforded stronger evidence of the previous intent; but I say they are not necessary to the completion of the offence charged in that count of the indictment.

Gentlemen, the other two counts are framed on a statute passed in this reign, in the 36th of the King, by which it is enacted, "That if any person shall compass, imagine, invent, devise, or intend death or destruction, or any bodily harm tending to death or destruction, maim, or wounding, imprisonment or restraint of the person of our Lord the King, his heirs or successors, or to deprive or depose him or them from the style, honour, or kingly name of the imperial crown of this realm, or of any other of His Majesty's dominions or countries, or to levy war against His

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Majesty, his heirs or successors, within this realm, in order by force or constraint, to compel him or them to change his or their measures or councils," he shall be guilty of treason. And here permit me to say, that my learned friend the Attorney General was greatly misrepresented by my learned friend who first addressed you, in being supposed to have said, that those counts were unnecessary. My learned friend the Attorney General stated that which, as a lawyer, I beg leave to accede to, and, as far as my poor authority goes, to confirm—he said, " that although a conspiracy to levy war was not, before this statute passed, a distinct and substantive treason; yet that long before this act, namely, under the statute of Edward III. it had been declared by the greatest authorities, that such a conspiracy was evidence of the compassing and imagining the King's death." That was the proposition the Attorney General laid down, and that proposition I will shew you hereafter, is confirmed by those very authorities to which the counsel for the prisoner has alluded; and yet it was represented by my friend who addressed you yesterday, " that the Attorney General had not a distinct notion to what purpose those counts were to be applied; that he considered those counts were wholly unnecessary, and that, in his view of the case, the treason charged might with propriety have been confined to the other counts." My learned friend the Attorney General, however, stated no such thing; he asserted that which I repeat, that though a conspiracy to levy war be not a distinct treason, yet it is evidence to support the charge of compassing and imagining the King's death. But when it is imputed to my friend the Attorney General, that he has not a distinct notion of the utility of those counts in the indictment, I cannot help observing, that in many parts of my learned friend Mr. Wetherell's address, he himself has confounded the evidence of the crime with the crime itself; he treated

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many of the acts done, as the treason, instead of considering them only as the overt acts of treason. Thus, when he observed to you, "If you say that pulling down gunsmiths shops is treason, you will bye and bye be called upon to say, that robbing gunsmiths shops is treason. If you will say, that going about the streets with banners is treason, you will hereafter be called upon to say, that going without a banner is treason." Gentlemen, these acts are not the treason, they are only evidence of it; and therefore my learned friend himself is here confounding the crime with the evidence. Of this confusion my learned friend the Attorney General, when he was addressing you, was not guilty; because, as a lawyer, he knew these were not to be confounded. Again, we are told that all distinction between riot and treason is sought to be overturned by this attempt on the part of the prosecution; that the riot act is to be repealed; that the acts proved in this case amounted only to a riot, and not to treason; for that a general rising of men, without any defined object, was not treason; and that the Riot Act had made this sort of offence felony. Gentlemen, the Riot Act has made no alteration whatever in the law of treason. It has indeed made that which was before an offence of a minor, now an offence of a higher nature; but I speak without hazard of contradiction or correction from the Bench, that the statute 1st Geo. I. the Riot Act, has not in the least varied the law of treason. My learned friend Mr. Wetherell, also repeatedly said, that with all the great research he had bestowed upon the subject for a month past, and conversing with his friends upon it, he had discovered that the only question in this case was, whether a riot was to be converted into treason, and the Riot Act to be repealed. Gentlemen, when we look back, as I had the curiosity to do, to a leading case upon this part of the subject, the case of Damaree and Purchase, I find there the very same

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arguments urged by the counsel for the prisoners upon the statute of Queen Mary, which is the foundation of the Riot Act, and I dare say they were urged at that time with as much vehemence and confidence as my learned friend has urged them here; but I find them urged in vain, and I find that the circumstances of that case, were those which my learned friend would designate by the name of a riot, and punish as such; but it was said in that case, that it was treason, and the persons accused were convicted. My learned friend, therefore, has not made any new discovery upon the subject of riot; and as the argument that occurred in the time of Queen Anne had then no avail, then so I trust, it will not prevail now.

Gentlemen, I am unwilling to weary you by quotations from authorities upon the law of this case, it has the appearance of parade and affectation: and I really think no lawyer can have any doubt upon it; and that the only question that can be raised in this case is, upon the facts to which the law is to be applied; and therefore, before this trial, I had troubled myself but with a very slight research into the cases on the law of treason; because I had no expectation that any counsel would state, that this was an attempt to repeal the Riot Act; or that the Attorney General of this day would be charged with introducing a new treason unheard of in the law, unsupported by authorities, and unauthorized by statute; or that it would be supposed, that the learned judges of the realm could sanction such an attempt. I do, however, most confidently state as law, that if parties assemble in the way in which these parties assembled, for the redress of a real or a fancied grievance (for such is the language of the lawyers upon the subject) that if they attempt by force to effect that, in contravention of the established law of the land; I say, if that be proved (and it must be proved) it is treason; and therefore, as it seems to me, the only question in this case,

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is, whether the parties did assemble, not for an undefined object, as Mr. Wetherell puts it, but with a view to overset the old Government; and if they did, whether or not they had a new specific Government in view, is not material. And what would my learned friend have said, if these persons had been successful in their projects, and had got possession of the Tower and the Bank? Still, in his view of the case, it would be only a riot, under the Riot Act. "The parties have broken open the gunsmiths shops, taken arms, created great alarm and terror throughout the town. All the shops are by reason of it shut up, and the peaceable inhabitants are prevented from pursuing their occupations; but do not say this is a treason; it is an innovation on the law to make it treason; it is a riot, and you are to acquit these men of all intention to overthrow the Government; of intent to oblige the King to change his measures; even though bloodshed had ensued, though the Bank had been destroyed, and the Tower taken, it is riot, and not treason; and you are not from thence to conclude, that the men who have been guilty of these acts, have been compassing and imagining the King's death, or levying war within the statute." Such is the argument of my learned friend. It is not necessary, and I must impress that again upon your minds, it is not necessary that the object shall be effected. If it can be proved, that the purpose of the parties, when they met; not of the mob, but of these six conspirators; not of the persons who were innocently led away by them, ignorant of their definite object, and not knowing immediately what they had in view;—but if these six persons were at that time in conspiracy to overturn the government, or to attempt to do so, I submit, as a lawyer, that is treason; and that if you are satisfied of this, you, as honest men, are bound to say, that this prisoner has been guilty of the charge.

Gentlemen, I can assure you, that it is my wish, as it

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will be my endeavour, in the progress of my address to you, to examine the evidence when I come to it, and indeed, to go through the remainder of the case calmly and dispassionately. If I am betrayed for a moment into warmth, excuse it; for I assure you, I have no object in this case; and I know my learned friend, the Attorney General, has none; but that you should calmly, soberly, and dispassionately sift the evidence which has been offered. If on that dispassionate inquiry you believe the prisoner innocent of the charge, acquit him, as you are bound to do;—but if, after that review, you find, that however extravagant the scheme; however inefficient the means to the end proposed; however absurd the plan; still if you find, that it existed in the mind of the prisoner and his co-conspirators, you must, you are bound in that case to find him guilty of the charge.

But, Gentlemen, before I come to investigate the evidence which has been given, I must say one word more upon the law of the case. Gentlemen, you have had references to cases;—cases have been brought before you, by both my learned friends who have addressed you. They referred you to the case of Burton, in the time of Henry VIII, which was the case of an indictment against him, for raising an armed force to pull down all inclosures;—that was held to be treason; there was, I think, some other case referred to by my learned friend, Mr. Serjeant Copley, which I do not immediately recollect; but I will now come to another case, alluded to in the opening, by my learned friend the Attorney General. It was, "that *A*, *B*, and *C*, with divers persons, to the number of a hundred, assembled themselves in a warlike manner to pull down bawdy-houses, and that they marched with a flag upon a staff, and weapons, and pulled down certain houses, in prosecution of their conspiracy. This, by the Judges, was adjudged high treason."—Gentlemen, the same argument

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there, I should tell you, was used as has been used by my learned friend, Mr. Wetherell, that there was a statute of Edward VI, which made the assembly of persons to the number of forty and more, felony; but the Judges held, that that statute made no alteration in the law of treason; that what was treason before, was treason after that Act; and in the particular case, they held, notwithstanding the statute which had been referred to, the prisoners guilty of treason.

Gentlemen, There are a variety of other cases I might cite, but there is one I wish to bring to your notice, which arose upon a temporary statute of Queen Elizabeth, which, in its terms, is almost precisely the same as the statute of the 36th of the King; for the statute of Elizabeth made it treason to conspire to levy war. That statute, therefore, made a conspiracy to levy war, treason. In the statute of 36th of the King, a conspiracy to levy war against the King, to compel him to change his measures, is made treason. In the case I allude to (which has generally gone by the name of the Apprentices Case), the charge was, that "divers apprentices of London did conspire to take and deliver out of ward, certain apprentices who had been committed there for riots; to kill the Mayor of London, and to burn his house, and to break open two houses near the Tower, where there were divers weapons and arms for three hundred men, and there to furnish themselves with weapons; after which, divers apprentices devised libels; moving others to take part with them in their devices, and to assemble themselves at Bun-hill and Tower-hill." I cannot help remarking, as I go on, what a near resemblance this case bears to the present, in the means used to effect the end proposed. There it was, that they were to break open houses, to arm themselves and their companions; "that they devised libels, moving others to take part with them in their devices, and to assemble themselves at Bun-hill

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and Tower-hill, and, accordingly, divers assembled themselves at Bun-hill, and three hundred at the Tower, where they had a trumpet, and one held a cloak upon a pole, in lieu of a flag; and in going towards the Lord Mayor's house, the Sheriffs and Sword-bearer, with others, offered to resist them, against whom the apprentices offered violence;" and that was adjudged treason.

Why, Gentlemen, there cannot be two cases more parallel than these. Was that, Gentlemen, a conspiracy to compass and imagine the King's death, in the way my learned friend has used the words? No; it was a conspiracy to levy war against the King. The levying war was their assembling two or three hundred apprentices together, to overawe the Lord Mayor, and to compel him to let out of prison others, who had been illegally committed, for the purpose of being brought to punishment: they conspired to break open houses, in which houses arms were to be found; they conspired to issue libels calling on others to join them; and they afterwards assembled, with a trumpet and a flag: they did not, however, effect their object. But, in the reign of Elizabeth, this was adjudged to be treason; and yet you are told, that the present case is the introduction of a new treason, and that you are required to legislate upon the subject; and we have this assertion boldly and confidently made and repeated in the course of my learned friend's address to you; and yet we find, that the law upon which you are called upon to act in the present case, is as old as the time of Queen Elizabeth. I say, this case alone is sufficient to dissipate all notions which might otherwise have been entertained of the accuracy of my learned friend's law upon the subject.

But let me refer to a book which my learned friend has cited with great commendation, I mean Mr. Justice Foster's, where, treating of levying war and of compassing the death of the King, he says, "but every insurrection which in

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judgment of law is intended against the person of the King, be it to dethrone or imprison him, or to oblige him to alter his measures of government, or to remove evil counsellors from about him, these risings all amount to levying war within the statute, *whether attended with the pomp and circumstances of open war or not*; *and every conspiracy to levy war for these purposes, though not treason within the clause of levying war, is yet an overt act within the other clause of compassing the King's death*; for these purposes cannot be effected by numbers and open force, without manifest danger to his person." Then, Gentlemen, is this new law? —why I find it in the very book from which my learned friend has cited many of his propositions; and the proposition on the part of the prosecution is this, that if it be established to your satisfaction, from the evidence given, that the intent of this conspiracy was to overturn the Government, or to compel the King to change his measures, whether their means were adequate to the end or not, it is treason; and such treason as is charged against this prisoner by the indictment.

Gentlemen, I am the more anxious upon this part of the case, not from any doubt I entertain upon the law, but from the manner in which it was treated by my learned friend; for that the present case was an attempt to introduce a new law upon the subject of high treason—was the commencement, the middle, and the end of his address to you; for the very last sentence of it, which I have before me, was to this effect, "I shall sit down with repeating a proposition which I am afraid I have too often repeated before, that if these transactions, even if they were more credible than they are, even if many parts of them were proved, instead of being in the condition of not being proved, are to be by conjecture and interpretation exalted and magnified into constructive and interpretative levying war against the Crown, I assert" this is my learned friend's assertion,

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"that the pure, the open, the just, and hitherto undoubted interpretation of the statute of treasons, will give way to an arbitrary and capricious interpretation of that statute, which will be absolutely incompatible with the free agency of British subjects." Why, Gentlemen, with these propositions before you in the law books—with these cases, decided from the reign of Queen Elizabeth down to the present time—is it right that such insinuations, which are wholly without foundation, should be thrown out? Insinuations, which are utterly unsupported, and not at all warranted by any thing which has appeared in the course of this cause.

Gentlemen, I will now proceed to that which is the only remaining question before you, What are the facts proved? and notwithstanding the ridicule which has been attempted to be thrown over some parts of the case, notwithstanding the levity with which others have been treated, I think I do not deceive myself (it is you, however, who are to judge) in believing that I shall satisfy you, that this case is made out by the clearest and most satisfactory evidence. Gentlemen, neither my learned friend, the Attorney General, nor myself, would attempt (as has been supposed by the other side) to persuade a Jury that they were to decide on treason, by conjecture. My learned friend, the Attorney General, in the whole course of his address to you, never once, I will venture to say, hazarded a notion of the sort; he had the words of the statute before him, which he read to you, that the persons accused "are to be proveably attainted by open deed," that is, "by satisfactory proof," and "by satisfactory proof" only. Has he asked for your verdict of guilty, if the proof be not satisfactory? Neither he nor I shall venture to do so; still less to state that you are to decide by conjecture, or that you or any Jury are to convict a man of any offence, however slight, still less of the offence of high treason, unless you are satisfied of his

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guilt by that which the statute requires, "*sufficient proof*," for the word "provably," in the statute, has by Mr. Justice Foster, to whom so much allusion has been made, been construed to mean "sufficient proof." But I am yet to learn, that in the examination of sufficient proof (except indeed that you are to have two witnesses) a different rule is to prevail in the crime of high treason, from that which is to be observed in the investigation of any other crime, or that it is to be proved by other means; all that I apprehend you are to expect, is, that you are to have that species of proof which would satisfy you in any other case of high crime, such for instance as that of murder. That is the proof which the statute requires; it is to be sufficient, it is to be legal proof.

Gentlemen, in examining the facts as proved in this case, many of which cannot be controverted, the main question, and that alone upon which I think any doubt can be entertained or raised, is the purpose and object of these conspirators in their meetings, and particularly the purpose and object with which they, on the 2d of December, went from Spa-fields to attack the gunsmiths shops and the Tower. Gentlemen, much has been said, and more certainly will be said by me in the course of my address to you, with respect to the testimony of one of the witnesses called on the part of the Crown—Castle. You were told by the Attorney General, when he first introduced his testimony to your notice, that he was an accomplice in this nefarious transaction; more infamy I think could not well be attached to him, than in saying that he was a co-conspirator in this offence. Not all his criminalities which have been detailed to you by my learned friends, are comparable to this; and, Gentlemen, whilst my learned friends are blackening the character of Castle, whilst they are heaping infamy upon his head, let us recollect that it is their client, Mr. Watson, who is Castle's friend and companion,

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who is thus attacking his character, that Mr. Watson well knew of his infamy (for that I will prove to you by the evidence given for the prisoner) and that, notwithstanding that knowledge he still associated with him; and, therefore, if Castle be this infamous man, which I admit him to be—if he be this man covered with crimes—if he be a person capable of harbouring this wicked design, I would ask you, as men of sober understandings, for what purpose were Mr. Watson, Mr. Thistlewood, Mr. Hooper, and Mr. Preston, associated with this man. The more wicked they make Castle, the more probable they make the scheme he has detailed to you, and the more probable they make their own concert in that scheme. Being an accomplice, however, I agree that unless he is confirmed, you should pay no attention to the story he has told; but if he be confirmed in various particulars, it is not necessary that he should be confirmed in all, in order for you to act upon his testimony. If that were so, why are accomplices admitted at all? Such testimony is never wanted, if the whole transaction can be proved without it. But it is always some part of a transaction, tending to implicate the parties materially, which requires the evidence of an accomplice; and, therefore, it has been laid down, that not only are they competent witnesses, but that if they deliver their account in a proper manner, and if they are confirmed in different parts, though not in the most material facts, they ought to be believed. And here again I must complain of my learned friend; it is not charged by him in direct terms, but it is more than insinuated, that Castle is a hired and paid witness of the Crown. You have been told, and told truly in one respect, that until the discovery of Castle no charge of high treason was instituted against these persons. But why was it not? Because, till the discovery of Castle, the taking of the house in Seymour-place, the purchase of the pikes, of the pistols, the explanation of the papers found, and various

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other parts of this transaction were utterly unknown to Government—were utterly unknown to the persons instituting the prosecution; these facts came out on his discovery; and the more the law officers of the Crown, after that discovery, made inquiries into these transactions, the more the truth of the representation Castle had made was confirmed; and whatever be the result of this prosecution, they would have been guilty of a dereliction of their public duty, if they had not, after such confirmation, brought forward the charge as they now present it to you.

What complaint therefore is there to be alledged against Government, in this respect? And why, because in the first instance this charge was not preferred, is it to be insinuated that they waited till they had information of this man, Castle, and that then they instituted this prosecution, in order to induce an English Jury, upon the unsupported testimony of an accomplice, to convict men of the greatest crime which can be charged against them. This again was more than insinuated, but I am sure that your decision will not, as it ought not to be, warped by any such observations.

Gentlemen, I cannot help here digressing to allusions which have been made to the trials of 1794; for you have been told, that in those cases there was an acquittal; and that in Lord George Gordon's case, although said to be a case which produced much mischief, the Jury likewise acquitted, and that those Juries have received the approbation of their countrymen for so doing. Gentlemen, whatever was the result of those cases, with them you have nothing to do upon this occasion; whether or not the case was proved against Lord George Gordon, or against the persons tried in 1794, is wholly irrelevant to the present inquiry; you have only to deal with the case before you, and these observations are thrown in merely to influence your passions, and to induce you, because there were acquittals in those cases, to acquit in this. But with respect

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to Lord George Gordon's case, which has been strongly pressed upon you, there were two distinct questions put by Lord Mansfield to the Jury;—first, whether the acts done were levying war; and next, whether Lord George Gordon had incited those acts; the Jury might have been as satisfied in that case as I trust you will be in this, that there was a levying war; that that had been done which, within the Statute of Edward the Third, constituted treason; and yet if they believed that Lord George Gordon had no intention to excite the persons doing them, to the commission of those acts, they might properly acquit him. And they probably did so upon that ground; and therefore it is not because in 1780 there were greater riots than there have been in 1817; because the acts now committed did not, owing to the good spirit of the people, end in so much mischief as they did in the year 1780; or, because they then acquitted Lord George Gordon, that therefore you are now to acquit Mr. Watson. For, as I have before observed, that case went on two grounds; the Jury might have acquitted on one of them; namely, on the supposition that Lord George Gordon did not instigate the riot; that riot was not in his contemplation; that he was not found with them in the acts charged; he was not inciting the mob at the time; and therefore cases of this sort ought to be dismissed from our consideration; for you cannot come to a proper conclusion on the facts in any criminal case, unless you are brought to it upon the proof given in that particular case, and upon such proof alone. It is not by any appeal to your passions, as Englishmen or as Jurors, that you are to decide this case; you are to decide it upon a calm review of the facts, and if they lead to an inevitable conclusion of guilt, it will be your painful duty to find the defendant guilty. And if you are to be referred to former trials, there was another to which I might have alluded with equal propriety, the case of Despard, who was convicted

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victed of treason; and I might have said, that the scheme of Despard was as wild and visionary as the present, or even more so; and then I might, following the example of my learned friends, say, Colonel Despard was convicted, and therefore Mr. Watson is to be convicted; but I use no such argument, I want no appeal to your passions or to your feelings, all I desire is your sober judgment upon the case; and whatever, upon a calm review of it, is your decision, be it one way or the other, I am sure it will be conformable to the duty imposed upon you.

Now, Gentlemen, without more preface, I will come to the facts of the case; but before I advert to the evidence of Castle, and its confirmations, permit me to read what was said in a former case of treason, upon the subject of the testimony of an accomplice.

In the case of Charnock, King, and Keyes, a co-conspirator was the principal witness. This was in the time of William III. when Lord Holt presided, as eminent a judge as ever graced the bench. Now hear what he said: "It is certainly a very hard matter, if not impossible to discover crimes of this nature, if the accomplices in those crimes shall not be allowed to be good witnesses against their fellow-conspirators;" and in answer to an objection of the prisoner, that though an accomplice was a legal witness, he was not a good one, Lord Holt says, "He is a very good witness, if he be a legal witness; but the credit of what he says, as in all other cases, must be left to the jury, who are judges of the matter of fact, and of the credibility of witnesses;" and he goes on also to add that which is most important to this case, and to the arguments used on the other side: "They (accomplices) are the most proper witnesses; for otherwise it is hardly possible, if not altogether impossible, to have a full proof; such contrivances, such discoveries are to be encouraged in all governments, without which there can

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be no safety; and though men have been guilty of such heinous offences, in being partakers or promoters in such designs, yet," he says, "if they come in and repent, and give testimonies thereof by discovering the truth, great credit ought to be given to them, for such evidence was ever accounted good;" and yet it is made a grave charge against the Government in this case, that they have ventured to produce Castle before you as a witness, because he is an accomplice in this conspiracy.

Gentlemen, it is the common experience of all times, it is in our daily experience, that the very worst and most nefarious offences would go unpunished, if an accomplice was not to be admitted as a witness; in many cases of the most atrocious murders which have been committed, the perpetrators would have gone free from punishment, if an accomplice had not been admitted as a witness and his evidence received; and therefore Castle is properly a witness in this case, and a very good witness, if he be confirmed. I do not ask you to believe him, unless he be confirmed; but if, in the story he has told you, he be confirmed in circumstances which it is impossible he should be if his story is false, you cannot help giving assent to the whole of the story he tells, and we shall see presently what a curious hypothesis the counsel for the prisoner have had recourse to, to get rid of the evidence of Castle. But neither my learned friend who addressed you yesterday, nor my learned friend, Mr. Serjeant Copley, who addressed you last, has ventured to say one single syllable about many facts which, as I shall show you, furnish the strongest demonstration of the truth of Castle's story; aye, Gentlemen, and demonstration in a part in which, even by the hypothesis of my learned friend, it was impossible for him to have been the contriver, and in which it was impossible for him to have previously planned the evidence in order to furnish a sup-

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port to his story; for you are desired seriously to believe, that although many of the transactions deposed to by Castle took place in October and November, yet that during the whole of that period he was contriving that upon the 2d of December this conspiracy should break out; that upon the 2d of December the gunsmiths shops should be broken open; that young Watson should enter Mr. Beckwith's shop, and there should be guilty of the outrage he committed; that old Watson should be in the waggon in Spa-fields, and committing the various acts which were committed by him. My learned friend, who addressed you last, put it very gravely, that all these were contrivances of Castle; that they were made with a view to the obtaining of the blood-money we have heard so much of; and (remember) that he was the plotter and contriver of all this, of which, if he had been discovered, and evidence of it had been adduced against him, similar to that adduced against Mr. Watson to-day, he would have had to answer and to suffer for his offence; and yet you are really asked to believe that the whole is the fabrication of Castle; that he was a man of such ingenuity, that he had foreseen all that would happen; and that though he could go through an examination of eight hours in that box with the minutest accuracy, as to dates, persons, places and circumstances, and in which he has not been contradicted in a single material point, still that the whole is a contrivance and fabrication of Castle to serve a political purpose of Government, and that he is produced, after having wickedly plotted and hatched and contrived all this, as a paid and hired witness, to convict another man of the crime of high treason. Gentlemen, this is infinitely more incredible, permit me to say, than the story he has told you. It is a thing which could not be; and I think I shall demonstrate to you, that unless

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Castle's story be true, it is impossible that the things which he relates could have happened.

Then let us see, Gentlemen, what it is that he states to you. He first states the occasion and manner of his becoming acquainted with Watson; and it was in stating this part of the case, that the Attorney General introduced the name of Spenceans, which it is supposed he introduced improperly. My learned friend, Mr. Wetherell, states, that the name of Spenceans has been mentioned to create a prejudice against the prisoner. Where was it that Castle first met Watson? Where was it that he first met Thistlewood and the other persons? Why, it was at the society of Spenceans; it was at the meetings at the Cock in Grafton-street, that the intimacy of Mr. Watson and Mr. Castle commenced; a very fit place for the introduction of such associates to each other. I do not stop here to enquire what the principles of the Spenceans are; but, as far as I have heard them, and as my learned friend Mr. Serjeant Copley has heard them, they are extremely ridiculous. My friend Mr. Serjeant Copley says, the portioning out all the land is one of their theories. Why, Gentlemen, you will find that these doctrines were broached by Mr. Watson in the conversation with Storer, doctrines he had picked up at a Spencean society, where he was introduced to the company of Castle; and there it was that Watson discovered that Castle was an extremely fit and proper instrument for his purpose. Castle was indeed a man, of all others, fitted for the occasion; he was a man who had been already guilty of crimes; who was destitute of money; who was reckless what became of him, and was, therefore a most proper and fit instrument for Watson's purpose, and Watson accordingly did fix upon him soon after he saw him. My learned friend Mr. Serjeant Copley says, it was extraordinary he should talk to Castle so soon

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about overturning the government. Why, at that time, having seen that Castle was a man of desperate character, he was sounding him, to see whether he was inclined to go the lengths Watson wished him. Do we not find every hour of our lives, that when men are hatching crimes and contemplating offences, they look out for associates, persons who are willing enough, and who have audacity enough to execute those purposes? It was with this view that they resorted to Castle, and after two or three conversations, you find that he was at once admitted into their secret committee in Greystoke-place; and finding he was this fit instrument, they then disclose to him the ulterior nefarious objects they had in view.

Gentlemen, a great deal has been said of the absurdity and wildness of their scheme; I admit it, I do not deny it; it is no part of my case to deny, that it was as absurd a scheme as ever entered the mind of man; but as has been observed, desperate men have recourse to desperate and wild plots and contrivances; they are generally enthusiasts in their cause, and as they underrate the difficulties, so they overvalue their own powers; so it was here. These men, fancying that their power was greater than it was, and believing that the spirit of the country was at that time heated and inflamed by that stimulus to which Mr. Wetherell referred, (I thought it a dangerous topic for him,) then, when that stimulus was at its height, when the lower orders were feeling the pressure of the times, and when from unfortunate circumstances they had, many of them, been turned out of their employment, and were suffering privations which it is melancholy to think of; it was then these men associated themselves together for their wicked purpose, it was then that this plot was engendered and that this conspiracy was formed, and that they collected together as they did, a force of immense magnitude whom,

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they expected to be enabled to arm, and by this force to effect those objects which they had in view.

It might have been argued in Despard's case (and I have no doubt it was with equal force,) This is an absurd scheme; these men had neither money nor other means to effect their object; but still if the scheme did exist, they are guilty of the charge imputed to them.—But to return and see how it is they proceed: but here allow me to solicit your indulgence if I omit, as I know I shall, many of the facts; I may also urge some with more strength than they may appear to you to deserve; I may draw inferences from others which you may think too strong; if so, you will dismiss them from your minds. I am bound not only by my duty, but by that conviction which I feel; (but I will not talk of my conviction; it is wrong for an advocate so to mix himself up in the case; and therefore I will abstain from following that example which has been set me in a way I hardly ever before heard of in a court of justice, by my learned friends who have preceded me;) my conviction is nothing. In proceeding with the examination of the evidence, I must again remind you, that your opinion of the guilt or innocence of the prisoner, is not to depend upon the wisdom or folly of the plan, or upon the means they possessed of attaining their object; if their intention be proved to your satisfaction, you are to dismiss from your minds the question whether they did, or had the ability to accomplish it. You are to examine only whether the scheme did exist, and whether they took means, such as they were, to put that scheme into execution.

Then, Gentlemen, they meet in Greystoke-place. Who is it that takes the house in Greystoke-place, where their meetings are held? Mr. Watson.—What is the purpose for which he is supposed to take it? Professedly to carry on his business of a surgeon in Greystoke-place.—But if

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that were the purpose, had not my learned friends the means of proving it? Have we not, on the contrary, negatived that? Greystoke-place was, as you observe, a convenient centre for their machinations; it was a convenient spot for their plots, and therefore it was that the elder Watson took the house in Greystoke-place. Who are the parties who meet here? But here let me interpose another observation, which is most important to be attended to in the consideration of this case (I regret I intersperse these observations without the order and method I could wish to follow;) it has been urged by my learned friends, that you do not find Watson here, and you do not find him there; you do not find him at the Tower; you do not hear of him at Beckwith's shop. Gentlemen, I state to you, and you will I know have that statement confirmed by the Bench, that if I once prove the persons indicted joint conspirators for one common purpose, namely, that purpose which I have imputed to them, then, though Watson be not in this place or the other, yet if they are all acting towards the same end, each of them is answerable for all the acts committed by the others in his absence, in pursuance of their common design; and that therefore it is no sound argument to be addressed to you, as has been addressed to you by my learned friend, that the prisoner is not found at Beckwith's nor at the Tower, if the other persons charged with the conspiracy are found at those places, for then Mr. Watson is as much answerable for those acts as if he had been present at them: and there would be an end of all justice if it were not so, since a shrewd conspirator keeping himself aloof from the acts done in consequence of the conspiracy, though generally the worst offender, would go free. Your first inquiry therefore will be, whether a joint conspiracy did not exist amongst these persons; and if it did, I say, although Watson was not present at all the acts done to carry it into

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effect, yet he is equally answerable for them as if he were present.

Then, Gentlemen, to proceed. Part of their scheme was to see how they could prevent the cavalry acting against them. Very fortunately for the ends of justice, Mr. Watson produces to Castle two papers, one of them a plan of a machine for opposing cavalry, and the other a plan of the Tower. "Oh but," say my learned friends, "how are these papers confirmatory of Castle? Castle says they were produced, and they are afterwards found at young Watson's; but then Castle was the contriver, he was the drawer of the plan of the Tower, and he contrived, in the month of October, that these things should be prepared and exhibited to him; and before the 18th of November, when the Watson's left the place in Hyde-street, Castle deposited them in that shop of young Watson in Hyde-street, and he deposited them because he then foresaw" (he must be the greatest prophet that ever was) "he foresaw there would be a meeting on the 2d of December; he foresaw that riots would ensue; he foresaw that young Watson would leave his lodgings on the 18th of November, and would never return there; he foresaw that young Watson would go off on the 2d of December; and he foresaw that Vickery, the Bow-street officer, would go and find them, and that he would produce them in confirmation of his testimony." Gentlemen, when we are talking of credibility, I appeal to you as men of understanding, if such a thing was ever heard of. The fact that Watson did produce these plans to him, I find confirmed by the existence of those plans, and by their coming, with other papers to which I shall have occasion to refer, out of Watson's possession—but this in passing—for it is one of the first things Castle speaks to. His evidence is, that these plans were produced at the first meeting. Then I say that is true, and no man of a common understand-

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ing, unless he is inclined wilfully to shut his eyes, can deny the truth of it.

Then he next gets Castle to walk with him to the Portman-street Barracks, and to the King-street Barracks. Is not Castle confirmed there? he is confirmed by Skinner, who says, there was a discussion or dispute between Castle and Watson, at the entrance of these barracks, Skinner being himself present. "Oh," but they say, "Castle is a man of such fertile invention, and such a prophet, that he foresaw, when he was walking up to King-street and Portman-street Barracks, that it would become a question about Portman-street Barracks, and therefore he says, Skinner shall be with us to see it, and to hear what passes." Did Castle take Skinner?—no; old Watson; it was unknown to Castle that Skinner would go, and the confirmation is stronger, when you see the undesigned coincidence of these facts.

Then, Gentlemen, what occurs afterwards?—they meet—their plot is canvassed, and Harrison is present. Harrison, of whom we heard so much from my learned friend Mr. Serjeant Copley, who says, because Harrison is in the list of witnesses, he is a witness for the Crown, and that the Crown meant to call him. Gentlemen, let me relieve you here. By the statute it is necessary, that at the time the copy of the indictment is delivered over to the prisoner, a list of the witnesses should be given also. In that list, therefore, is included all who may by possibility be wanted. If, therefore, there is any witness who may by possibility confirm the evidence, and may be required for that purpose, he must be named; and the list is not only a list of the witnesses, as I am reminded by my learned friend, Mr. Gurney, against Watson, but against all the other prisoners; and though he is not called in the case against Watson, he may be called against others. But I do not put it upon that ground; his name was inserted, because,

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by possibility, he might be wanted, and because we might not be prevented calling him as a witness. But he is in this situation; he is one of the conspirators. We had, therefore, no means of compelling his testimony, unless he chose freely and voluntarily to have confessed the part he had in the business. For the learned Judges would have said, he is not compellable to criminate himself, but it must be left to his option whether he will speak or not. But not so with my learned friends on the other side. If Castle told that which was false, Harrison could have proved it to be so. By the list given by us to the prisoner, he knew where Harrison was. Harrison had been a committee-man, he had been an associate with Castle; and yet, in the most material part, in that part which goes to fix them with the conspiracy and the first design, although the prisoner had the means of contradicting Castle by Harrison, Harrison is not called; and why is he not called? I will tell you—because, if he had been called by them, he would have confirmed Castle's testimony; and, therefore, I have a right to assume and to argue, that Castle is not only confirmed by the positive corroboration we have adduced, but also by the negative confirmation, by the prisoner's not calling those who could have contradicted him, if his testimony was false, in the most positive terms; added to which, Harrison's motives must be all that way; for, if he is not a conspirator himself, he must wish to have an opportunity, in an open court of justice, to assert his innocence. He would, therefore, have been anxious to come here, and contradict Castle, if it were possible for him to have done so. But my learned friends, of counsel for the prisoner, knew that, if they called him, he must confirm Castle (at least I have a right so to argue) and therefore it is he is not produced.—Harrison is proved to have been on the first committee. Now, I would ask you another question:

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If Castle is this ingenious and contriving man—if he is a man anxious to have you believe that his story is true when in reality it is false, would he venture to name a person as a party in this plot who was capable of contradicting him, and who would contradict him, if called? Castle, according to my learned friend's account, is a man of so much sagacity and contrivance, that as he is inventing a lie, he takes care never to speak to any material fact which can receive contradiction; and yet, if his story be not true, he has, by implicating Harrison, enabled the prisoner to have called a person who might contradict him in every particular. Not only, then, is Castle confirmed by positive testimony, but his evidence is strengthened, is corroborated, is actually confirmed, by the non-production of Harrison to contradict him in the most material facts. Whether what passed, after a drunken dinner in Bouverie-street, is material, you will have to consider; but they have had recourse to Mr. Hunt and Mr. Bryant, for the purpose of contradicting Castle as to what passed on that occasion; while, at the same time, they do not call Harrison to contradict him, (as they could have done, if he had sworn falsely) on the most important facts of the case; and they conceive, they have an unanswerable reason to give for this omission, namely, that his name is in the list of the Crown witnesses, and therefore the Crown might have called him; though, at the same time, it must be admitted by them, that the Crown could not have compelled him to give testimony. I say, therefore, again, that Castle is confirmed, not only by positive testimony, but still more, by the prisoner's declining to call Harrison as a witness.

Now, Gentlemen, I come to another part of the transaction, on which my learned friends I must say (and I say it with great deference to them, as I highly respect their talents; no man indeed respects them more, and the exhibition in this Court must satisfy every one how great those ta-

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tents are), but I must say that they treat the case with more levity than they should have done; I mean that part respecting the pikes; and here Castle is again confirmed by their not calling Harrison, who might, if called, have contradicted him; but they dare not do it; for Bentley himself stated, that Harrison introduced Castle to Bentley. Harrison is the man who goes to Bentley, in order to get him to make these pikes; Castle, not knowing where he might obtain the loan of a forge in order to make them, he applies to Harrison, and Harrison introduces him to Bentley, and Bentley afterwards executes the order, and the pikes are afterwards actually delivered by Mr. Bentley to Castle and young Watson.

Gentlemen, the pikes are made; and when are they made? At the very time this plot is going on; they are made at the time when Harrison is a co-conspirator. Their plot was to break out between the 9th and the 10th, and shortly before that time they were ordered and were directed to be delivered immediately; and they were made accordingly by Bentley, and he has spoken to the most minute particulars of that transaction. I was surprised at Mr. Wetherell, when he stated that Castle was here contradicted by Bentley. Castle, you recollect, said, he intended to make a pattern pike, and Bentley would not let him; Bentley confirms him in this, and this appears to me such an undesigned coincidence, that it speaks most strongly in support of Castle's evidence. Can my learned friends say, Castle foresaw that Bentley would refuse him, and, that he foresaw that it might become material afterwards; it is, to be sure, a single fact of confirmation, but such a fact as shows the truth of the story. But then it is to be supposed that Castle, the contriver and fabricator of all this plot, contrived that Bentley should refuse him, in order that he might adduce that fact in confirmation of his story; Gentlemen, this is too absurd a notion for any man:

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for a moment to entertain, and it is impossible to harbour the slightest doubt of the truth of the transaction with respect to the pikes.

Then, Gentlemen, where are the pikes subsequently found? There was an attempt to get rid of the effect of that circumstance. I know you saw it; nothing has escaped your attention in the course of this trial. You heard my learned friend, on the cross-examination of Castle, ask, "Did you ever hear any thing of the key of the door in Hyde-street, Bloomsbury?" I am sure you remarked it. I observed it instantly, and saw what they were aiming at: they knew that the pikes would be traced; they knew they had been traced to young Watson's house; they knew it would be difficult to account for that, and, therefore, having blackened Castle, as I admit they have by the crimes he has committed, they tried whether they could not make him admit that he had a secret key to the lodgings in Hyde-street, and that he, foreseeing that he might be a witness, had thereby contrived to convey those pikes into that place where they were found in Hyde-street, Bloomsbury, and afterwards to have them discovered there. But is there the least evidence of that? They are found concealed in this place; and then my learned friends, feeling how this pressed, raise another argument. They say, "Oh, yes! these pikes which were intended," as it is said by Castle, "to be used offensively, were found "afterwards concealed! and they were never used at all! "they were never even taken to the meeting in Spa-fields!" Why, there is the most satisfactory answer to that observation. Harrison became alarmed; he declined to proceed with their plots, and he quarrelled with young Watson. What did this produce? There was an immediate alarm at Greystoke-place; such an alarm that they changed their place of meeting. The Blue Last public-house is the place they then fix upon as the place of rendezvous;

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but in the meantime Castle is to go and see whether Harrison is in that frame of mind to induce a suspicion that he will betray their schemes and their plots. I am sure you will recollect what he detailed upon that subject. He said to Harrison, "Watson says you are a traitor, you will discover the plot." "No," Harrison answered, "I am not a traitor, but I will not go any further." They are thereupon convinced, that though he had seceded, yet that he had sufficient attachment to them not to disclose the transactions going on; and therefore, after their alarm had subsided, but not till some time, they resumed their meetings in Greystoke-place.

Gentlemen, on that secession they gave up their first scheme, and said we must not adventure this; Harrison is in the plot, and though he intimates that he will not discover us, yet we cannot venture upon it.—And I have no doubt, in that moment of alarm, when they knew they had in their possession the most pregnant evidence of their wickedness, namely, the pikes, young Watson took care to conceal them, lest the pikes should be brought forward as the strongest evidence against them; and you will remember they had in their future schemes no occasion for pikes. The plan for their midnight insurrection was then given up, in consequence of Harrison's secession, and from an apprehension also that the temper of the people was not ripe for it. They then determined to try the temper and spirit of the people, by calling together all the distressed, whom they could collect at Spa-fields, assembling them under one pretence in order to use them for another. The object to be held out to the public of this meeting, was to be the petitioning Parliament; for they could not procure a meeting there without some avowed legal purpose; and to give an appearance of respectability to the meeting, they had recourse to the contrivance of putting the name to the advertisement, as chairman, of a man who never

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filled that character, Dyall: for he denies that he was chairman. And they put also the name of Preston as secretary; and then they advertized their meeting in Spa-fields.

My learned friend has reminded me of that which is a most important feature, and by far the most important confirmation of Castle upon the subject of the first scheme; I mean the application to take a house in Seymour-place. Gentlemen, you recollect one part of their scheme, wicked and diabolical as it was, and yet a scheme that might well enter into the minds of desperate men, was this; they said to themselves, We must prevent the soldiers from acting against us;—and for that purpose their plan was to set fire to the entrances to the barracks. For this object they wanted to procure a house in the neighbourhood; and they sent Castle and young Watson to inspect the streets about King-street and Portman-street, to see whether they could find a convenient house, in which to deposit inflammable substances. Here, Gentlemen, again this prophet Castle, according to the hypothesis of my learned friend, anticipates that Cosser will not let them have the house; anticipates, that six months afterwards there will be the present trial; and he contrives all this to give support to his story. They go to Seymour-place; they find an empty house; they have a reference to a gentleman at Milbank. They go to this person; young Watson is introduced; and young Watson, his father living in town, and a surgeon, is supposed from mere accident to give a reference to Mr. Thistlewood, who was one of their principal men in the plot, and who was the only man who had any money wherewith to furnish them. Mr. Thistlewood, who lives in Southampton-buildings, is the person referred to by young Watson, for his respectability as a tenant to Cosser. But, Gentlemen, what was the scheme? Why, that the house should be taken as an oil shop; it was applied for as

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an oil shop for young Watson. Here again is a coincidence which marks the truth of the story, because it is an unlooked-for coincidence; it is one of those things that never happens but where the story is true, and when we are on the subject of telling truth. When we hear so much of the lies of Castle, let us see what Thistlewood says on this reference to him by young Watson. My learned friend, Mr. Serjeant Copley, attempts to turn this off, by saying; "Oh Watson, had a respectable family in Lincolnshire." Have we any evidence that he had a respectable relation, a large farmer living there? He had a father living in London; that is known to Thistlewood, and yet Thistlewood does not refer to him; but says, his father was living in Lincoln, and was a respectable farmer; whereas he was well known to Thistlewood to be a surgeon and apothecary residing in London. Why do I dwell upon this; because this false account was evidently given to veil from Cosser the purpose and object they had in view, and to prevail upon him to let them have the house. But we are told that this false reference was unnecessary, because the quarter's rent and the price of the fixtures might easily have been raised. You will recollect, however, that there was a difficulty on that head, for Thistlewood told young Watson that he would give a check for the money on a banker at a few days date; and before the arrival of the time of payment, he said the whole thing would be over; and therefore it was not for that reason, but it was because Mr. Cosser was not satisfied with the reference, that the treaty went off. What was young Mr. Watson? a surgeon. He had at that time a shop in Hyde-street, Bloomsbury. What was the reason, therefore, that he wanted another shop in Seymour-place, near King-street barracks? he was not to carry on his business there. But it was to be taken under the pretence of carrying on the oil trade, but in truth on account of its vicinity to the

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barracks, and amongst other objects, that they might get persons there to make handles for their pikes. And this suggests another reason for destroying the pikes; they had no place where the pike-handles could be safely made at that part of the town; and therefore that scheme being frustrated, the pikes were concealed, and the rest of the plan at that time abandoned.

Then, Gentlemen, when you are told by the learned Counsel, that there is no confirmation of Castle, I appeal to you, whether these facts do not confirm him in almost every particular of his story, and leave upon your minds such a belief of the whole of it, as entitles it to be credited by you; because, as I have before said, the rules of law is not, that the accomplice is to be confirmed in every particular; but that if he is confirmed in such facts as satisfy you of the general truth of his story, you are not to resist the proof. But in this case, not only is there this confirmation, but the facts themselves are sufficient, independently of any evidence of Castle to satisfy you of the truth of this charge.

Then, Gentlemen, the first plan is given up for the reasons I have stated, and they then have recourse to another. My learned friend, Mr. Wetherell, took a wide view of the whole case; he did not think it necessary, nor was it prudent in his view to go into detail. Mr. Serjeant Copley has ventured to be more particular, and we shall see how successful he has been. The first plot having been given up, Hooper is admitted into their committee; and after this either Hooper, Thistlewood, one of the Watsons, or Preston, is every where to be found with Castle; he is at the Tower with one of them, at the public houses in Long-acre with another, and at Paddington with a third; indeed, you never find Castle alone; but then Castle, it is supposed, is the contriver of all this; he leads all those innocent men into his snare, and he has spread his net (to use the phrase

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of my learned friend Mr. Serjeant Copley) so widely as to embrace them all. Their second plot, which I now come to treat of, was the best contrived for their purposes of any which could be suggested. They were a few persons without means to accomplish what they had to effect; they had given up their previous scheme, partly because they thought the spirit of the people was not ripe. How were they to rouse their spirit? Why they are first insidiously to spread their sedition from house to house, collecting one meeting at one, another at a second, and a third at a different house, and they themselves go to different parts of the town; to those places where they were most likely to find fit instruments for their purpose; to the navigators at Paddington, to the coalheavers at the Adelphi, to the Spitalfields weavers in the time of their greatest distress; and last of all, they try their endeavours to seduce His Majesty's soldiers from their allegiance, not, perhaps, expecting that they would immediately join their conspiracy, but hoping to prevail on them not to oppose their nefarious designs. And, Gentlemen, what do we find them doing upon this occasion? no persons ever were more active; they are morning, noon and night at their work. Mr. Castle is at one place; Mr. Preston at another; Mr. Thistlewood at another; and the Watsons elsewhere; and at night they are all regularly convened at their house in Greystoke-place, to produce their reports, and to see how far they are enabled to collect together a sufficient force to answer their end. What is to be the ostensible object of the meeting they contemplated; they must take care to have some object which should have the appearance of being legal, in order that the public might not be alarmed; and therefore they advertized a meeting for the 15th of November; and, Gentlemen, they thought it necessary and prudent also upon that occasion, to have recourse to some other

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persons besides themselves, to give some eclat to their meeting, and who, perhaps, might be enabled to make better speeches than themselves to the surrounding multitude. I wish to say nothing of any person unconnected with this cause; I join in the reprehension of my learned friend, Mr. Wetherell, of the political principles of Mr. Hunt; but Mr. Hunt is the person sent for from the county of Hants, to make a speech at this meeting, and in order to cover their designs—do not misunderstand me in this case, I do not impute to Mr. Hunt any participation in their object, I acquit him altogether of the nefarious designs which they had in view. His name, with others, indeed appears on a paper found in Watson's pocket, but that furnishes no evidence against him. My learned friend Mr. Wetherell, therefore, was mistaken in supposing that this paper was intended to furnish any evidence against any of the persons mentioned in it; it furnished none, unless we could have shown that those persons participated in the common design; your name or mine might have been inserted in it, and no blame could, therefore, have attached upon us; but in order to veil their designs, they held out the semblance of a meeting in Spa-fields, to petition the Prince Regent, and get this inserted in the public papers. Was Castle the author of that advertisement? Had Castle the means of paying for the hand-bills and the advertisement? He was a man without money or credit. Did he go to the printer, Storer, or to Seale? Is it not in evidence that the Watsons went and ordered them of Seale as well as of Storer? I think the order given to Storer was given by both; but at all events old Watson certainly came afterwards and fetched away the bills. Old Watson is found applying to the one, and failing in procuring them from him he obtained them from the other; it is however sufficient for my purpose that this meeting originated with them, and them only. There was no wish

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on the part of the artizans, there was no wish on the part of the distressed manufacturers, nor on the part of any individual, for this meeting, except of Watson, Thistlewood, and the rest of the six, and with them only, as one of the means of effecting their wicked purpose.

At this first meeting, there is a most numerous asembly. We have not, in detail, the addresses made to them; but it is clear they proceeded by degrees, and step by step. They then produced a tri-coloured flag. My learned friend, indeed, objected to the expression of "tri-coloured;" because, forsooth, one of the colours in this flag differed from one of the colours in the French flag; it is green, instead of blue. Why, gentlemen, that was part of their contrivance; if they had displayed the real tri-coloured flag upon that occasion, it might have excited suspicion, and have obstructed their designs; but they took care to have something as much resembling it as they could, and it was displayed near to where Mr. Hunt was speaking. At the conclusion of that meeting, Mr. Hunt proposed an adjournment till after the meeting of Parliament: Young Watson proposed, that it should be to the Monday fortnight following, the 2d of December; and it is said, that this was upon the suggestion of somebody from behind; and here again is a strong confirmation of Castle: Castle told you, that Thistlewood was the person who desired young Watson to propose that adjournment. Then I have Castle confirmed by my learned friend's own witness in that fact; for Hunt confirms Castle in that part of the story, which is such an accidental and unexpected coincidence, as strongly shows the general truth of his narrative. Old Mr. Watson is supposed to object to this, and to wish his son not to propose the amendment; but the amendment is, nevertheless, proposed, and is actually carried by young Watson's means, and upon the suggestion of Thistlewood, and I will tell you why. I have no doubt, from the great assemblage

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there, and the force displayed, they began to think their schemes were within the reach of accomplishment; and that they then resolved, if they could, to procure such another meeting, and to take care to circulate a bill before it arrived, which should a little show the design they had in view, but which should still be sufficiently obscure as to leave the matter open till the 2d of December. They take care too, that this riotous meeting shall be on a Monday—a day of all others on which the artizans and labourers are most likely to attend; they fix it for Monday the 2d of December. But, Gentlemen, what are they about in the mean time? and here it is that we confirm Castle at every step he takes from the 15th of November to the 2d of December; there is hardly an act spoken to by Castle in which he is not confirmed; they are most active and busy in going from place to place. Watson prepares the placard, for he is the author of it; he is also the person who sketches out the motto for the flag; but here we shall be told again this was all the contrivance of Castle; and there was an attempt on the cross-examination of Hunt, to make Castle state that it was "his" flag, although in the lodging of young Watson, there is the drawing of that flag, with the very motto afterwards inscribed upon it.

But, Gentlemen, attend to what is the conduct of the conspirators in the mean time. They go to Paddington, and hire men to carry round their placards. We have a most eloquent eulogium, by my learned friend Mr. Serjeant Copley, on the motto, "England expects every man to do his duty!" and he attempted to divert your minds, by a digression, to the occasion of it; but I think my learned friend hardly called your minds to any other part of that hand-bill;—it was tender ground. My learned friend felt that, if he could stop at the motto, he should do well; he felt that he should arouse your feelings as Englishmen, by calling to your remembrance the brave conduct of our

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sailors upon the occasion of that motto, and he took care not to damp them by reading a single syllable more. But, Gentlemen, with your leave, I will read a little more of it, and then we shall see with what insidious design that meeting was convened.

It states, that a meeting will take place in Spa-fields, on Monday, the 2d of December, 1816, at twelve o'clock, although Mr. Hunt tells you it was proposed to meet at one, and that the Watsons knew that circumstance; but they, who knew that, took pains to have it stated in the advertisement, that the meeting was to take place at twelve o'clock. Gentlemen, this may appear a trivial observation, but I think you will see that it operates most strongly in support of the case made out by Castle, and most strongly in support of the designs which we attribute to them; "to receive the answer of the petition to the Prince Regent, determined upon at the last meeting held in the same place, and for other important considerations." If that was the object of the meeting, the placard and advertisement need not have stated any thing more; they were to meet according to this advertisement, to receive the answer of the Prince Regent, and for other important considerations; but then see what follows, printed in a larger character to attract the eye, and to attract notice. "The present state of Great Britain: Four millions in distress!!!—Four millions embarrassed!!!—One million and a half fear distress!!!—Half a million live in splendid luxury!!!—Our brothers in Ireland are in a worse state—The climax of misery is complete; it can go no farther, death would now be a relief to millions.—Arrogance, folly and crimes, have brought affairs to this dread crisis—firmness and integrity can only save the country!" This, Gentlemen, is the advertisement and the placard which was distributed in order to induce persons to attend this meeting; and then (which as my learned friend the At-

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torney General observed, is the worst part of this placard, because evidently intended to masque their real design) they have in the smallest character stated, that "after the last meeting, some disorderly people were guilty of attacking the property of individuals—they were ill informed of the object of the meeting." Yes, Gentlemen, they were ill informed, and it was the object of these conspirators that they should now be better informed. Yes; get them together, and then after their passions have been roused, after they have been inflamed by speeches about their distresses; then it was that they were to be informed of the real object of the meeting, and "it was not to plunder persons suffering under these calamitous times in common with others; the day will soon arrive when the distresses will be relieved;" and then in larger characters, "The nation's wrongs must be redressed!"

Gentlemen, my learned friend, Mr. Serjeant Copley, has argued at considerable length on this part of the case, and he asks what is meant by that placard? and he says, if it was intended to excite insurrection on the 2d of December, they gave public notice of it by these placards, from one end of the town to the other; they proclaimed to Government the nature of their meetings; and they themselves chose to do this, in order as it were to interpose hindrances to the completion of their plans; and that the magistrates and police officers might be in attendance, and that the military might be in the neighbourhood. Why, Gentlemen, I answer, that this placard did not fully disclose their purpose, nor did they open it to those persons among whom they circulated it, persons principally amongst the lower orders, amongst whom the instructions given were that they should be distributed; and though the apparent object of the meeting was stated to be to receive the answer of the Prince Regent, yet these other circumstances were added, in order to draw together a larger meeting, and to

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prepare the minds of those assembled for what was subsequently to follow.

But after they had distributed their placards and hand-bills, what was next to be done? One part of their plan was, that the Tower should be attacked; and, Gentlemen, you have it in evidence, confirmed over and over again, that they went from time to time to the Tower, that they had communications with the soldiers there, that to them they held language which nobody could misunderstand; such as, "Whether they would like a big loaf rather than a small one?" they showed to the men there the tri-colours; they asked them questions, whether they would surrender the Tower? they went from time to time, treating the soldiers with beer and other liquors, and endeavouring to seduce them; and they carried the hand-bill itself to the Tower; for though the hand-bill was not confirmed in its very words, it was sufficiently recollected to satisfy every one that it was the same. They went, indeed, far enough towards seducing the minds of the soldiers, if their minds were to have been so affected. To procure a large assembly also they went to Paddington, and invited all they could to attend. They went to Maudsley's, the smith's manufactory, in Westminster-road, to procure all the men they could from thence; and they went to other places, and afterwards assembled nightly to make reports of their success. But when the people were so assembled, and had been worked up to their purpose, they considered that they must have arms; how are they to procure them? the contrivance was, that the gunsmiths shops should be instantly attacked; and I suppose Castle is not confirmed in this part; and that no gunsmiths shops were attacked, or that the attack was not confined to gunsmiths only; but they must also have arms themselves; young Watson must have pistols, in order that, if opposed by any one, he may by force execute his purpose; and

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this part of the case stands so strong and so confirmed, that neither my learned friend yesterday nor my learned friend who addressed you to-day, ventured to make any observations upon it. The papers were put into the room at Hyde-street, Bloomsbury, by Castle; the flag was prepared by Castle; the pikes were concealed by Castle at Hyde-street; but the pistols bought on the Friday and Saturday, were they also put into the pocket of young Watson, and the breast of old Watson, by the same contrivance of Castle? Gentlemen, these are facts which confirm Castle in this part of the case beyond the possibility of doubt. The pistol with which that unfortunate gentleman, Mr. Platt, was shot, the pistols found on Hooper, and the pistols found on old Watson, are the very pistols which were purchased on the Saturday and Sunday preparatory to this meeting. But still, say my learned friends, this was a peaceable meeting; it was intended to take into consideration the answer of the Prince Regent to the petition; no violence was proposed; no insurrection intended. But if so, why do the Watsons, Hooper, and Thistlewood, go armed to that meeting? Can you form to yourselves, and I ask you as sensible and rational men, can you form any suggestion why these men, and these men alone, go armed to this meeting at Spa-fields? for you do not find that any one individual went there armed besides those who had procured this meeting; those men who had indeed peace upon their mouths and in their apparent intentions, but who had mischief and treason in their minds. These men go with arms for no purpose which has been or can be suggested, except that which is charged upon them by this prosecution, and which they attempted to put into execution, but in which they, fortunately for the country, failed.

But if we want further evidence of that, I will go to their acts, and see what they did with their arms upon that day; and then let us judge of their intent.

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Gentlemen, the second meeting in Spa-fields was professedly adjourned to one o'clock, when Mr. Hunt was to make his speech; but I have gone from events of the first day before I intended, and I have passed over a most important scene at the close of it, in Bouverie-street, which had nearly slipped my recollection, but from which, I think, you must perceive that most important inferences of the guilt of the prisoner arise. They were all found in Bouverie-street, I care not whether invited or not; but there they were all met at dinner with Mr. Hunt, and his friend and companion Mr. Bryant. Gentlemen, they are a most loyal set; and, according to Mr. Hunt, the toast of "The King" is given first after dinner. Here we have a contradiction, which is to cut down Castle's evidence altogether; a most important contradiction! But when he could have been contradicted in other parts, if his story was false, in those parts, too, which pressed most materially against the prisoner at the bar; when he could have been contradicted by Harrison, and by another person, whose name I will bring to your recollection, Keenes, who might also have been called. Those persons are not produced; but Mr. Hunt, and his friend Mr. Bryant, who are present at this dinner in Bouverie-street, after the meeting on the 15th of November in Spa-fields, are produced, in order to contradict him in this, that the King's health was given as a toast. Gentlemen, whether that toast was given or not is quite immaterial; but there is another transaction of that day not quite so unimportant. Castle proposes a toast, which I will not repeat to you, but upon the giving of which not a man in that room ought to have staid one minute longer with him. I say, that when that toast was proposed by Castle, instead of merely shocking the tender and delicate feelings of Mr. Hunt, he, and every individual in that company, ought either to have turned Castle out of the room, or to have gone out of the room themselves, and left him to enjoy his dinner by himself. "It is a violent

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toast,"—that is the term applied to it by them. But he is still suffered to remain till the party broke up; nay, after that, Castle does not deny that there was a conversation about a French prisoner, and Mr. Hunt is again shocked; and he exclaimed, "Oh! contrive the escape of a French prisoner! you must not talk of such a thing."—"Oh!" said Watson, "he is my friend; he is an excellent fellow; he is, to be sure, rather violent, but I have the greatest confidence in him." I charge, therefore, upon Watson, that if Castle be the infamous character which they represent him to be, that if he be that abandoned wretch, still that Mr. Watson and the others are his associates, with the full knowledge of that character.

Then you are told by Mr. Hunt, that some time after this Castle is supposed to sham sleep, and that Mr. Hunt gave him such a blow, in order to awake him, that it would have knocked any other man down; and yet, strange to say, it had no such effect on Castle. The friend of Mr. Hunt, Bryant, upon being asked whether he struck him, said, "He might have put his hand upon his side, in order to awake him, or he might give him a stroke upon his side." Such is the representation of this occurrence by Mr. Bryant. But Mr. Hunt says, the blow was such as would have knocked any other man down. Gentlemen, if I were to analyse the evidence given by Mr. Hunt and Mr. Bryant, I could produce more contradictions from it than all they have attempted to give to Castle. Gentlemen, the bill is afterwards called for; Castle has no money; and this man who has so shocked the delicacy of Mr. Hunt, and so offended Mr. Bryant, has his share actually paid for him either by the one or the other.

Gentlemen, I should have been extremely sorry, if I had passed over this transaction, because it furnishes this observation, from which I cannot be shaken; that Castle, this villain, this perjured character, and to which may be

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added, any other epithet you may think fit to bestow upon him, is the companion of the Watsons, with a full knowledge on their part of his character, as appears evidently from this conversation. I say therefore, the blacker my learned friends make Castle, the more probable they make the guilt of his associates; the blacker they make Castle, the more fit they make him to be an associate in their designs; and it is not to be objected to Castle, that he is not a credible witness against the prisoner, when he is found to be his friend and associate, with a full knowledge by Watson of his iniquities and his crimes.

Gentlemen, supposing his character to have first appeared to them on the 15th of November, still with a *full* knowledge of what passed on that occasion, you find him their companion: they do not abandon his society in consequence of the toast he had proposed, or of his having assisted in the escape of a French prisoner; his principles therefore must be taken to be their principles; and it is clear, that after that they act with him till the 2d of December.

Previous to that day, however, there is another confirmation of Castle. Fearing their meetings and consultations in Greystoke-place might be too frequent, and attract notice, they take a house in Dean-street, and there they assemble at dinner the Sunday preceding the 2d of December, on which the plot broke out. Keenes is there, as stated by Castle, on that occasion; why is he not called? Angel is there, why is he not called? Their not being called proves it to be true, that they met there and dined together; not the whole party indeed, for Thistlewood dined with the Evans's at his own lodgings. Castle's account of that day is confirmed, as you will find, in every minute particular.

Gentlemen, I am afraid I am tiring you with these observations, but I shall soon bring them to a close; for I am now arrived at the important day of the 2d of December, a

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day or two before which a waggon is hired; and I do not go through that part of the case, because it is admitted that Castle is confirmed at every step with respect to the hiring of that waggon. Gentlemen, the principal meeting on that day was expected by the public to be at Merlin's-cave, and Mr. Hunt was to be there at one, according to the adjournment; but these persons were by their plan to be at Spa-fields before, in order that they might not be interrupted in their scheme; because if the officers and the troops were to be there, it would be to watch the proceedings at one o'clock, since no one but the conspirators had any notion that any thing would take place before. But before twelve where do you find young Watson? Why, in prosecution of the scheme of collecting persons; he is in Houndsditch, and he has one of the flags parading the town, to collect his forces, and then proceeded to the waggon.

Gentlemen, much has been said of Castle's not accounting for himself that morning. His part, you will remember, was to go to London bridge to meet the smiths; now he really went there, and not finding them, he proceeded from thence to the Tower, and you heard how he occupied himself till he met old Watson in Little Britain; so that he is most satisfactorily accounted for. At Spa-fields are Preston, Hooper, Watson, and Thistlewood. Upon that occasion old Watson first addressed the multitude; and here I must complain of the insinuations thrown out against another of the witnesses, Dowling, on whose character there is not the slightest imputation. He was at Spa-fields in the prosecution of his occupation as a reporter for "The Observer" newspaper; but he is to be attacked because he communicated afterwards, as he was bound to do, to the Secretary of State's office, that which he heard on that day; and because, since that time, he and his brother have had some employment under

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Government, for which they have received compensation; and this is insinuated as an imputation on him, as if he had been bribed to come and state on this trial what was false. These insinuations ought not to be slightly made; but I fearlessly ask you whether the least discredit attaches to Mr. Dowling for his conduct, and I will show, if necessary, how he is confirmed by the evidence of other persons.

Gentlemen, I will not tire you now with reading the whole of old Watson's speech, but I think you will find it began, "Friends and countrymen, we are convened this day in consequence of a resolution passed at our last meeting." Now in the house of young Watson was found, under the inscription of the flag, that which evidently purports to be the commencement of a speech; and it begins thus, "Friends and fellow citizens. It will not be necessary for me to state the purpose of our meeting this day, as it was clearly understood on Friday, it being one of our resolutions." Gentlemen, the commencement of old Watson's speech, though not in the same words, conveys the same ideas. The manuscript then goes on "Sir F. B. on account of the dangerous state of his son's health, declines presenting the petition to the George Guelphs, commonly called the —— ——;" and I read this because you have been told, and it has been asserted with great confidence by my learned friends, that nothing has ever been hinted or suggested by these persons disrespectful to the King, the Prince, or crowned heads; but after this piece of evidence, my learned friends will not, I think, continue their assertions. I do not tire you with a repetition of the whole of Watson senior's speech, but it was most inflammatory, and well calculated to excite the feelings of the surrounding mob: he is followed by his son, who is still more violent in his language, because he knew what was intended to follow. His speech is a string of interrogatories to the

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people, receiving from them constant approbation to the questions put to them; they answered in the affirmative where he expected an affirmative, and in the negative where he hoped for a negative; and then he concludes, "If they will not give us what we want, then shall we not take it? are you willing to take it? if I jump down among you, will you follow me?"

Gentlemen, you will recollect that the parts of this speech, heard by the two Shearmans, confirm Dowling; and they both heard the conclusion. From the waggon from which this speech was delivered, were displayed flags and a banner, and upon the banner was an inscription evidently meant to affect the minds of the military, and corresponding with the expression used to the soldiers at the Tower. It is "The brave soldiers are our brothers; treat them kindly." Here I think I may appeal with success to my learned friends, and ask them what this banner meant, and for what object it was exhibited? If not for that which we impute to the prisoner and his companions, can my learned friends suggest any other reason why it was displayed? If they could have given a reason satisfactory to your minds for the use of that banner, or for the arms these persons had on that day, they would have done it in their addresses to you; but they have in this wholly failed.

Young Watson then proceeded to Beckwith's, and you find old Watson going also in that direction. I will not go over the melancholy transactions at Beckwith's, except to say I was surprised when I heard any excuse attempted for the conduct of young Watson there. Was there any thing in the behaviour of Mr. Platt to call for the opposition of Watson? The exclamation of young Watson in the shop was, "Arms! arms!", and yet you are told gravely by my learned friend, Mr. Serjeant Copley, that he thinks it was not part of young Watson's design to get

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what was the design in view,) that there was no other shop attacked, but those of the gunsmiths, there it is they are to find arms; and you cannot but observe the readiness with which they are selected by young Watson, he having previously, as it is in proof, gone round the town to mark out the places where arms were to be procured, and, consequently, knowing where resort might be had for them. You will recollect, moreover, an expression used at the time of the mob's quitting Spa-fields, and I leave you to judge from whom it proceeded—"To the Tower," was heard. You will judge whether this could have proceeded from any other person than young Watson, or some other of the conspirators; for, as to the mob, they were assembled in Spa-fields for a very different purpose: and yet, as soon as they were led out of the fields, "To the Tower" was the cry, and in the direction of the Tower they proceed. We were amused with some merriment, by my learned friends, upon what passed in their way to the Minories, and upon the supposed resistance of Sir James Shaw; but, upon this part of the case, I beg to call to your recollection the evidence of Mr. White, who was in company with the Lord Mayor and Sir James Shaw. Some observation has been made, because we did not call the Lord Mayor, but I will tell you why he was not called. We examined Sir James Shaw, and proved what passed within his knowledge. The Lord Mayor was here in attendance two days, but his election for the city coming on on the third, and it being inconvenient for him to attend, we thought it unnecessary to detain him to prove facts already in evidence; but you will recollect the evidence of Mr. White, who said, that after he and Sir James Shaw got into the Exchange, so alarmed were they, that he was sent immediately for the military in Gray's-Inn-lane, and thinking the danger imminent, he got on horseback, and galloped to the place with as much speed as might be;

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and yet we are told there was no alarm, no outrage, no harm done: true, Mr. Platt was wounded; all the shops were shut up; troops were sent for; and yet all this is nothing. This was no tumult, or if it was, it was to be punished under the Riot Act, and cannot be made treason.

Gentlemen, we have been told that it would be puerile to contend, on our part, that this was treason. I cannot help thinking that this expression may be retorted on my learned friend, when he talked of this as a common riot and disturbance, merely because it might have been easily put down. As I have had frequent occasion to observe, the question is not, whether this disturbance might have been, or was, in point of fact, easily quelled; nor does the guilt or innocence of the prisoner depend upon whether their purpose was or was not effected, or whether their means were adequate. If they conceived the purpose, and took a step towards it, the crime is complete, nay, as complete as if they had taken the Tower and the Bank. If they had succeeded in taking the Tower, my learned friends seem to consider that the crime would have been treason: if it would, as the essence of the offence is the treasonable design, I say, as a lawyer, the crime was as complete, on their moving from Spa-fields, as if they had taken the Tower or the Bank; for if it were otherwise, and the crime were to depend upon the effecting the treasonable purpose, no treason could be punished but when it was successful; and if in this case it had been successful, you would not have been assembled in that box to exercise your functions as jurymen; and yet the argument on the other side must go that length, or it is worth nothing. Treason is the act of the mind, and in this case the treasonable purpose being established, the offence is complete by the acts they did. You have heard what they did at the gunsmiths shops. You have heard also that, which give me leave to say is proved incontrovertibly, that

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Thistlewood was at the Tower. I do not say whether Watson might not also have been there, because I think when I call your attention to two witnesses not mentioned by my learned friends, I shall show, out of the mouth of Watson himself, that he was at the Tower. Thistlewood, it is proved, however, went to the walls. I care not, upon this part of the case, whether the scheme was visionary or wild; it may be as much so as ever entered the heart of man to devise, still the only question is, what was the fact. At the Tower Thistlewood speaks to the soldiers; but it is said, there is a variance between the testimony of the soldiers. Gentlemen, it is a trite observation, that slight discrepancies are the strongest confirmation of the main fact; no two persons agree upon the details of occurrences they have witnessed; they will vary in minute particulars, and such variation is the strongest test of the truth of what they relate; here, there is a variance in the expressions spoken to by one and the other; one said, the expression was "we will make you captains and give you double pay;" the other, "we will give you a hundred guineas and double pay;" it is not improbable both were right; it is not improbable both Watson and Thistlewood were there, and used those expressions. Castle says, they were both there; the soldiers say, they saw one man, but they do not say they were attending at the same time. This, however, is treated as nothing and unimportant by the other side, though the soldiers however thought it so important that they communicated it to the serjeants, who communicated it to their superior officers. It is clear, therefore, that this was something that actually took place; this is not all a fiction, nor is this the invention of Castle, because it is proved by three witnesses. The credit of one is indeed attacked; but though my learned friends asked Heyward, whether he had ever communicated what he heard, and he said he had that same day to a man of the

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name of Bent, and another of the name of Ensor, yet they have not called either of these persons to deny it; those men's names were taken down by my learned friends, and their residence also; now we could not call them to confirm Heyward, since it would not have been admissible evidence, nor were the names of those persons in the list of the witnesses, but the other side might have called them to contradict him, and not having done so, the fact is as much confirmed by the non-production of Bent and Ensor, as if we had been enabled to call them to confirm Heyward's testimony.

Thus, Gentlemen, we have given in evidence, by unimpeachable witnesses, almost all the facts which were wanted to fill up and confirm the scheme alledged by Castle to have been the scheme of that day.—The speeches at Spa-fields, which show the design; the attack on the gunsmiths' shops; the going to the Tower, all proved independently of Castle, and yet still we are to be told, this is only a riot within the Riot Act, and no treason, though proved, as I contend it has been done with this design and no other; for I will ask my learned friends, in the language of the Attorney General, if this was not the object, what other was there for their going armed to Spa-fields? Why not give us a reason for the attack upon the gunsmiths shops, and on those shops only? Why not assign a cause for Thistlewood's going to the Tower? Why do not my learned friends give you some other reason, why, out of the 50,000 persons assembled in Spa-fields, (for some of the witnesses have mentioned that number,) Watson and the others are the only persons armed at that meeting.

Gentlemen, it is obvious that none other has been given, because none other can be assigned. I ought not to omit that there is another contradiction of Castle attempted with respect to Mr. Hunt. Castle said, that having been at the Tower, and finding the conspirators had not been

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there, he proceeded along Cheapside to Little Britain; he there met old Watson and Thistlewood; and Watson said, "To the Tower, Jack;" having thus seen them he was returning from thence with Keenes towards the Tower, and met Mr. Hunt in Cheapside; he told you, he said to Mr. Hunt, you are late; that is confirmed. Hunt replied, that it wanted twenty minutes to one; Castle then said, young Watson was gone to the Tower an hour ago. Mr. Hunt, however, swore the expression was, "that the Tower had been in their possession an hour;" but although Mr. Hunt's servant was riding with him, although Keenes was with Castle; and therefore, they could both have contradicted Castle, if he were incorrect in his statement, how is it they were not called for the purpose? for Mr. Hunt being stopped in this manner in Cheapside, and being told he was late, might not have accurately regarded the expression, nor distinctly have understood, whether Castle said, "we were in possession of the Tower an hour ago," or, "that young Watson was there an hour ago;" but, Gentlemen, I cannot help remarking (I mean no reflection on Mr. Hunt) that after that expression of Castle's; which ever it was, I am surprised Mr. Hunt continued his course to Spa-fields, or that he should afterwards have there joined the meeting of that day. My learned friend says, it was by mere accident, and great providence, that Mr. Hunt was not entangled in the net; but if there were this great discretion about him, to which my friend has adverted, I wonder he did not say to Castle, "Good God! to the Tower; what are they doing there? I must communicate this to a magistrate, and take care that their nefarious designs may be prevented." But no; he goes on in his tandem, and he finds a large meeting at Spa-fields—a very respectable meeting, no doubt, ready to attend to the orations which he there delivers. I mention this as not reflecting on Mr. Hunt; I

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imputes nothing to him; but these observations arise on his appearance as a witness, and out of the transaction; and these I am entitled to make.

There are two other witnesses respecting the transactions of this day, whom my learned friends have not adverted to at all;—the one, a woman, who kept a public-house in East Smithfield; the other a sailor, who state to you, that upon that very day, directly after the riots (the man said, between one and two—the woman, between two and three,) Watson came into the house; he declined going into the parlour, because he did not like the company, they being of the higher order, but he went into the tap-room, the door having been opened to him to go into the parlour. "No," he said, "I must go where I may have liberty of speech;" and thereupon he went into the tap-room, and used this expression: "My brave fellows, if you had followed me, we should have had the Tower!"—This is Watson, who had nothing to do with these transactions, who is ignorant of what is going on upon the 2d of December, who knows nothing of what is passing at the Tower, or at Beckwith's: no, this was an invention of Castle's; and yet you find him using this expression. Is it not clear, therefore, he was at the Tower, or near it?—is it not clear he accompanied the mob to the Tower, though we cannot identify him? Why, I have it from his own mouth, from the most unimpeachable of all testimony against Mr. Watson—from Mr. Watson himself.

Now, Gentlemen, the transaction thus ended at Spa-fields, what becomes of those innocent persons who were there upon that occasion; where is Mr. Watson? He decamps that very night; Thistlewood leaves his lodgings in Southampton-buildings without notice; Watson and his son also leave their lodgings that very night, without any previous notice or intimation of their intention. Where are they found? I do not say they, though there were two

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other persons in company with Watson that night, who fired pistols; who they were, we do not distinctly know. You find Watson, however, armed with one of the pistols purchased the preceding Saturday; And what is found in his pocket when he is taken? did Castle place the papers in his pocket? You heard before, from Castle, that they had designed a Committee of Public Safety, in case they succeeded; and in Watson's pocket is found a paper containing a list corresponding with the list Castle mentioned to you; and there is found another paper in his pocket, which is confirmation strong of Castle's story; it contains the divisions; and the barricades, which are treated as so visionary; there are the smiths at London-bridge, whom Castle was to have accompanied from Maudsley's manufactory; and in this paper, after Saint Giles's, and so forth, there are the Tower and the Bank. With respect to the "smiths," there is that which is most material. "Smith's, Westminster-road, form three divisions, collect numbers, and meet at London Bridge," the very place where Castle went on the morning where he says he expected to meet the Smiths, but in which he was disappointed; "where will be met and led to the Old Man," that cant term is always used as applicable to the Tower, as Castle said, "form three divisions, collect and meet at London Bridge, where will be met and led to the Old Man; Paddington to proceed to Saint Giles's, barricade each side to Holborn Bars, branch off to Temple-bar, barricade Chancery-lane, Carey-street." Then here is in Watson's pocket that which confirms the whole account given by Castle, which shows you that this plan, visionary, fanciful and inefficient as it appears to be, was laid down on paper.

I have now gone through with more minuteness than was necessary, this important case, and I have gone through it in detail, showing how Castle is confirmed step by step; but before I sit down, let me desire you to con-

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under this case also, independently of Castle's evidence, and I am sure you will find that there is evidence strong and conclusive as to the guilt of Watson, wholly abstracted from Castle's testimony. I say the fact of their all going armed to Spa-fields; of the speeches there made; of their acting with a common purpose, in destroying the gunsmiths shops and taking arms; I say that purpose, confirmed by the antecedent evidence of their tampering with the soldiers; that they were the persons who called the meeting; that they met at Spa-fields an hour before the intended time, and immediately proceeded to their own nefarious purposes, not those purposes for which Mr. Hunt was to attend there. You must I think agree, that the evidence is strong and conclusive as to the prisoner's guilt. I will not at this late hour go more minutely into the case, but let me remind you, that if this be an important case, as it affects the prisoner at the bar, it is of infinitely greater moment, as it concerns the British public. Gentlemen, you have had powerful observations addressed to your feelings, in order to excite your commiseration towards the situation of the prisoner, and also to induce you to come to a conclusion against the credit due to Castle's evidence. As I said before, if you can, as honest men, reconcile the facts proved with the prisoner's innocence of the charge, give effect to those observations, and do, as unquestionably you are then bound to do, acquit him; but if as honest and as firm men (and as Englishmen I know you are firm) I say, if as honest, firm, and conscientious men, upon a calm, quiet, dispassionate review of the case, unmixed with political feelings, and unaffected by any prejudices attempted to have been excited in your minds without these walls or within, having divested your minds, of every impression respecting this transaction, except what has been made by the evidence before you on this occasion; giving all the weight due to the arguments and

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observations of my learned friends, and at the same time giving due weight (if weight they deserve any) to those observations, I have ventured (most feebly) to make on this case, watching with scrupulous attention the evidence as it is to affect the person accused, and feeling, if you please, every inclination not to draw any strained or forced inference (for you ought not to do so) in his exculpation. If, I say, upon such a review of the whole case, you find it marked with a traitorous design to create insurrection, and to overturn the Government, then recollect the observation I have so repeatedly made, that however inefficient the means to the end, however small the extent to which the parties proceeded before they were stopped, however negligent the police or military were in not preventing it (supposing any such negligence could be imputed to them) if, I say, notwithstanding all this, you are satisfied, as honest men, that such a design was harboured in the minds of these persons, then I have to call upon you, as you respect the rights of the public, as you estimate your own peace and security in future, as you are anxious to preserve the due administration of the laws (which, I thank God, whatever other imputation has been cast upon these times, and, notwithstanding any insinuation to the contrary, still remains pure) to act upon that conviction, and so pronounce (as you are then bound to do by the oath which you have taken) the prisoner guilty of the crime imputed to him.

Lord Ellenborough. We cannot conveniently assemble on Monday before ten. The Grand Jury are to attend here.

A *Juryman.* My Lord, we hoped we should not be dismissed till the cause was determined. We have attended six days, and it is of material importance to us as members of society, that we should not be kept longer than is actually necessary.

Lord Ellenborough. It is the wish of every body the business should be brought to a conclusion as soon as

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possible; but it is quite impossible to recite the evidence to you after this hour: it would not be possible to read it through.

A Juryman. It is only six o'clock, my Lord.

Lord Ellenborough. I should have to detain you several hours.

Mr. Justice Bayley. My Lord is very much fatigued already.

A Juryman. I hope the Court will consider the situation of our families.

Mr. Justice Abbott. I trust that every attention has been paid you, Gentlemen, which could be, consistently with the duty you have had to discharge.

Mr. Justice Bayley. I doubt, whether you would be able to pay that attention to the evidence to-night which you will do on Monday.

Foreman of the Jury. I am convinced it is impossible to go through it; here are six days recapitulations.

Lord Ellenborough. I should be exhausted before I could complete it.

Foreman of the Jury. I should be as happy to be dismissed as any body, but I see it cannot be.

A Juryman. I presume we are not to be confined all day to-morrow, my Lord.

Mr. Justice Abbott. I dare say, Gentlemen, care will be taken of that. You recollect what was said before; how much better it would be that that should be discussed in private.

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COURT OF KING'S BENCH.

Monday 16th June 1817.

James Watson was set to the Bar.

SUMMING UP.

Lord ELLENBOROUGH.

Gentlemen of the Jury,

THE Evidence which has been given on both sides being now closed, and the Counsel on the part of the Prosecution and of the Prisoner having likewise closed those Observations upon that Evidence and upon the Law of the Case which they have thought fit to offer, it now remains for us to discharge our respective duties; and I will now proceed to discharge mine in presenting to you, as well as I am able, the Evidence which has been given in the course of this long trial, with such Observations as occur to me upon it. It will remain for you afterwards to weigh, dispassionately and conscientiously, that Evidence and the Observations suggested to you thereupon, and then to proceed to form those conclusions which the justice of the case may require.

Gentlemen, this, as you have been told, is an Indictment for High Treason. The Indictment contains four charges, two founded on the old statute of the 25 Edw. III, which statute was made to correct and remedy the defects in the law of treason as it stood before, and to declare all that thereafter should be considered as treasons by the law of the land, which statute remains in full force at the present day. There have been several other temporary

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statutes in addition to that statute declaring other treasons; but which statutes are expired or have been repealed. There has been another statute lately passed, namely, in the 36th of the present King, not so much enacting any new treasons as declaring those things to be substantive treasons, which had been, by various constructions from time to time, made upon the statute of the 25 Edward III, deemed the strongest and most pregnant overt-acts of several treasons specified in that statute.

The two charges on the 25 Edward III, are the compassing and imagining the death of the King, and the levying war against the King, which has been to so great an extent made the subject of comment before you. The charge of compassing and imagining the death of the King, though properly enough included with the rest upon this record, will not be that to which your attention need be so particularly directed; there certainly does not appear to have been in this case any immediate compassing and imagining of the personal and natural death and destruction of the King; but still under that charge any thing aimed at the destruction of the regal government of the realm, by which His Majesty's person may, by just intendment be endangered, such as the deposal of the King from his royal state and dignity, the imprisonment of his person, and other circumstances attempted to be accomplished by open violence, by which the sovereign authority and rule of the King, as established by law, is sought to be overturned, have been so far deemed to be immediately aimed at the personal safety of the Monarch, as to warrant their being considered as pregnant and conclusive evidence of a purpose to destroy the King, upon the ground of that general experience which has shewn in all ages, that the graves of monarchs are very near the place and period of their imprisonment, and closely consequent on their deposal from the Crown. For to use the language

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of Lord Chief Justice Eyre, in summing up the evidence on Tooke's trial, "It cannot be denied that he who means to depose the King, compasses and imagines the death of the King; it is in truth a presumption of fact arising from the circumstance of intending to depose, so undeniable and so conclusive that the law has adopted it, and made it a presumption of law." But on this particular head of treason, the compassing and imagining the King's death, I do not think that the facts of this case require that I should dilate or discuss the subject more at large than I have already done. A count on this head of treason was not improperly inserted in this indictment, and the facts charged, as far as they are evidence of an intention to depose, are evidence also of compassing and imagining the death of the King.

The second count is formed upon the later statute, that of the 36 of His present Majesty, that charges the compassing and imagining to depose the King; and every overt act which is stated as means adopted for the destruction of the regal authority within this realm, is, in contemplation of law, evidence *of the purpose* to the accomplishing of which it is subservient; viz. the compassing and imagining to depose the King; and, therefore, what has been charged as done upon this occasion in the several instances specified—if it shall be in your judgment truly imputed, is material evidence on the charge of compassing and imagining to depose the King; that is, to destroy, as far as his personal exercise thereof is concerned, the whole regal authority of the realm.

There has been considerable discussion on the third count, on the head of levying war; and upon that subject I would rather speak in the language of the grave authorities and text writers of the law—Mr. Justice Foster and Lord Chief Justice Hale—than use any language of my own; because the language which is used by them has

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undergone the review and been sanctioned by the approbation of the most learned men upon the subject; and the doctrine laid down by these eminent persons has been so far adopted and acted upon since, as virtually to have been received as the undoubted law of the land on this subject.

Mr. Justice Foster says, "Insurrections, in order to throw down all inclosures—to alter the established law or change religion—to enhance the price of all labour, or to open all prisons—all risings to effect these innovations of a public and general concern by an armed force," and by any *multitude competent to effect* the purpose, *as much as if they were armed*, for what he says comes to that—"are in construction of law high treason, within the clause of levying war." He says, in another part of his work; "Every insurrection, which in judgment of law is intended against the person of the King, be it to dethrone or imprison him, or to oblige him to alter his measures of government, or to remove evil counsellors from about him, these risings all amount to levying war within the statute, whether attended with the pomp and circumstances of open war or not." I merely mention that, to shew that it is not necessary there should have been armed force to the extent to which in this case the proof will exhibit it. There were arms, but multitude supplies the place of force, and supplies the power of arms.

Mr. Justice Foster goes on to say, "Insurrections likewise for redressing national grievances, or for the expulsion of foreigners in general, or indeed of any single nation living here under the protection of the King, or for the reformation of real or imaginary evils of a public nature, and in which the insurgents "*have no special interest.*" Now the meaning of the words "*have no special interest*" refer at once to the language of the statute of 25 Edward III, in which there is, in effect, a provision, that acts done, either

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in the way of private quarrel or with a view to private advantage, although done with an armed force, shall not be adjudged treason; this provision applies to the case of persons engaged in a sort of predatory war, very common in the early periods of our history, between neighbouring chieftains, that is not a levying *of war against the King* within his realm. The words of the statute are, "If any man shall levy *war against our Lord the King* in his realm, or be adherent to the King's enemies in his realm, giving to them aid and comfort in the realm or elsewhere, and thereof be provably attainted of open deed." The statute goes on to say, "And if perchance any man of this realm ride armed covertly or secretly with men of arms *against any other*,"—not against the King, but in the way of such quarrel as I have mentioned between neighbouring chieftains "to slay or to rob him, or to take *and keep him till he make fine for his deliverance, it is not* the mind of the *King* nor his council, that in such case *it shall be judged treason*;" therefore tumults that have a private object, in which the parties have peculiar private individual interest are distinguished by the very statute of treason from attacks on the regal authority of the realm; and, therefore, if it should appear, which has been contended on the part of the prisoner to be the case, that this is merely a *temporary ebullition* of a prevailing spirit of tumult, violence and disorder, or any thing but an attack aimed against the royal authority of the realm, it would not be treason; and no person who administers the law, will ever, I trust, attempt to confound tumults of the sort I have mentioned, with treason, which is an attempt to overturn the established government of the country; and I accede to the proposition laid down by one of the learned counsel for the defendant, that the question for your consideration is, whether this be or be not a conspiracy to overturn the government of the country; that is the question, and that

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only is the question you have to try, and to the determination of which, after having heard the evidence detailed to you, you will deliberately apply your attention.

In addition to what I have stated from Mr. Justice Foster, Lord Hale says, "If divers persons levy a force of multitude of men to pull down a particular inclosure, this is not a levying of war within this statute but a great riot; but if they levy war to pull down all inclosures," now he speaks of a general intention, "or to expulse strangers, or to remove counsellors, or against any statute, as, namely, the statute of labourers, or for enhancing salaries and wages, this is a levying war against the King, *because it is generally against the King's laws, and the offenders take upon them the reformation which subjects by gathering power ought not to do.*" Therefore the question will be, whether this is an attempt to make a change in the government by the gathering of power, either with arms or without arms, which Lord Hale says, and all the lawyers agree with him in saying, ought not to be done, and is treason if done.

Having observed on the third charge, which is the levying war, there is a fourth, the conspiring to levy war against the King, in order to compel him to change his measures. It does not very distinctly appear, that any particular measure was sought to be effectuated, or the Government to be in any *particular* respect changed by compulsion within the fourth count; but a levying war to disable the King by force, from the exercise of his regal functions, generally from adopting or carrying into effect any act whatsoever of legitimate authority, in short, from acting as King, is, according to the text writers I have stated to you, most distinctly a levying of war. These four charges are competently framed upon the language of the statute of 25 Edward III, and 36 George III, which latter statute is not directly introductory of any new law on the subject of treason, except inasmuch as it makes in certain

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instances, that which was before evidence in the way of overt acts of the crime of treason under the 25 Edward III, in future, substantive treasons of themselves, under the statute of the 36 George III.

There being then, Gentlemen, a competent charge of levying war, couched in proper legal statutable description; the question is, Whether there is evidence before you sufficient to sustain the charge. Does it amount to a levying war; or is it, as has been argued by the counsel for the defendant, a mere ebullition of violence, breaking out into acts of riot, tumult and disorder, constituting misdemeanors only, and not amounting to crimes of a more malignant description. No blame can be imputed to the learned counsel for the contention they have made for their client in this respect, nor for their endeavour to have it understood that all the violence, irregularity and disorder, done or meditated by the prisoner and his associates, is capable of any distinction from a determined plan to overturn the government. It will be for you, Gentlemen, when you attend to the evidence which I shall presently state to you, to say, whether it is of the one description or the other. I will not, at present, anticipate the comments which that evidence may require from me, and which I shall take the liberty of submitting to you; but one observation I cannot help making now. In the first instance, it was made matter of complaint against the counsel for the Crown, and it would have been a just matter of reproof to them, if they could have done what it was said they could have done and ought to have done, viz. that they did not call as witnesses before you, Harrison and Keenes, persons so intimately acquainted with all the actual facts of the case under consideration before you. If they had ventured to call them, it would have appeared, say the defendant's counsel, that there was no such purpose as is now imputed upon this Indictment;

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that the case would, by such evidence, have been stripped of all doubt and uncertainty, and would have appeared to be merely a case of riot. Gentlemen, the counsel for the Crown could not properly have called these persons, nor could by law have compelled them to answer, for that would have been to compel them to accuse themselves of a participation in the crime imputed; but the counsel for the defendant were under no such difficulty. If Harrison and Keenes were known to them to be capable of answering every question in exculpation of the prisoner, without any hazard to themselves, why were they not asked such questions. The counsel for the prosecution could not have asked any question relative to the matter of the charge of Keenes; for though no bill was found against them in the first instance, that is no acquittal; he might have been still indicted, and subjected to all the penalty of a trial; he might, therefore, have demurred to the questions put to him on the part of the prosecution; and to be sure any counsel, who had sat by him at the time, would have advised him to demur, and not to put himself within the peril of an answer. The counsel for the Crown, therefore, could not call these men as witnesses, but the counsel for the defendant had their free and unobstructed course to have called them; and if they would have been witnesses to establish the innocence of the prisoner, what would have restrained them from relating, in the most full and unqualified manner, every thing that would have gone to his most absolute, unequivocal, and entire exculpation. According to the evidence before you, you recollect that Harrison was one of the earliest members of this committee; that he afterwards withdrew, and that Hooper was put in his place; he could, therefore, have spoken to every thing that bore upon the charge as made against the prisoners in the outset of this business. Keenes came in later into communication with these people; he therefore

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could have spoken to all the latter acts occurring in the story related by this man, of the name of Castle, who has spoken to all these persons as mixing in so many conversations and consultations, agreeing in the execution of so many mischievous purposes. What could have been more easy than to have called these men to deny every word alleged to have been uttered, or every meeting had between these parties, and to explain all these acts upon which so much imputation is fixed, and to give them an innocent aspect and bearing, instead of a criminal one: their not having been called as witnesses on the part of the prisoner, who might have called them, I cannot help saying, not only purges the counsel for the Crown, of all blame for not having called them, but affords a strong presumption that they would have been called for the prisoner if, with a due regard for his safety, the counsel for the prisoner could have ventured upon calling them. Their means of knowledge which these witnesses possessed were most extensive; their *disposition* may be supposed to have been highly favourable. Why then (the question again recurs) were they not called for the prisoner, if the facts they knew (and they could hardly fail of knowing every thing upon the subject) would have tended to his acquittal? What answer can be given, consistently with any supposition, that their examination would have been beneficial to the prisoner, and what inference but one can be drawn from their not being called on the part of the prisoner? I will not occupy your time, Gentlemen, with any further observations upon this point.

Gentlemen of the Jury, the subject of the competency of the evidence of accomplices has come very often before courts of criminal justice. Secret transactions of an highly criminal nature, can never be effectually disclosed, but through the medium of accomplices. No man communicates how guilty he is, or intends to become, to

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a person not connected with the execution of his project, or at any rate, who is not a well wisher at least to its success; and therefore you must, in every case, if you will develope treason, or other mischief of a malignant nature, derive some, and probably much of your information and evidence, through channels not wholly pure and uncontaminated, not being such through which one would always wish to see the justice of the country, as far as possible, conveyed. But it has been laid down by the judges, in all times, and acted upon every day in every criminal tribunal in the country, that if an accomplice is so confirmed, as that he shall be thought generally entitled to credit for his story, he will have that degree of credit allowed to him, which he may, on such examination, appear to deserve, notwithstanding he is an accomplice. This subject was much discussed in the trial of Charnock, Keyes and King, which took place in the time of my Lord Holt, in the reign of King William; where Lord Holt says, "It is a very hard matter, if not impossible, to discover crimes of this nature, if the accomplices in those crimes shall not be allowed to be good witnesses against their fellow conspirators;" and in answer to an objection of the prisoner, that though an accomplice was a legal witness, he was not a good one; his Lordship says, "He is a very good witness, if he be a legal one; but the credit of what he says, as in all other cases, must be left to the jury, who are judges of the matter of fact, and of the credibility of witnesses."

Gentlemen, in this case you have the evidence of an accomplice, upon whom, certainly, many observations have been made, and who deserves almost all that have been made; but even though he be such an abandoned, degraded man, something might, perhaps, have been spared of the peculiarly coarse phrases and expressions used in respect of him, out of regard, at least, to the decorum of the

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Court. He has been, however, unquestionably concerned in respect to some forged notes; he has been concerned in a disgraceful transaction respecting a French prisoner: in which, having held out the expectation that he would assist him in escaping from the realm, he obtained from him money, on the consideration of that assistance, and played false to his engagements; but he is criminated most of all, by a confessed participation in the crime in question—a crime of the most enormous mischief and malignity—as against him we must take it in the strongest way, that the design was entertained of overturning the government of the country; of effecting the destruction of the soldiers in their barracks; and all the mischiefs which he has imputed to himself and others; but still, if in all the process of his story he is confirmed by witnesses, who cannot be suspected of stating an untruth, in any particular, as in the instance of Mr. Cosser, to whom application was made for hiring the house, which is stated to have been required for the deposit of combustibles; when there is an absence of all possible reason for supposing that to be hired, unless it was for the very purpose imputed; when no other purpose is assigned, for there was no person who is suggested to have in fact intended to carry on the trade of oilman and seedsman there; and when it appears that Thistlewood, one of the conspirators, as he is charged here to be, is proved to have told, what appears to be a notorious falsehood, to Mr. Cosser, to induce him to let the house to the younger Watson, representing that he was the son of a Lincolnshire farmer of substance; that he would be responsible for him, and that he wanted to carry on the trade of an oil and seedsman, or an oil and colourman, upon which no observation or explanation has been attempted; when he is confirmed by the circumstance of the hiring the waggon for Spa-fields, of the pikes, and a number of circumstances which I will not now detail,

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which it will be my laborious duty to comment upon; but when he is confirmed by the impossibility of accounting otherwise for a variety of circumstances which occur in the course of these transactions, and more than all the papers that were found about the person of the prisoner at the bar, by Miell, who apprehended him at Highgate, when he was going out of town; in which papers, stations are assigned; mention is made of collecting forces in *divisions* and military preparation, with a reference to the old man; and when, afterwards, the Bank and the Tower are specifically named in the same paper—this being found upon the person of the prisoner Watson, in the moment of his flight; what explanation can be given of this, but that which is given in the testimony of the witness Castle. All these things I will comment upon presently, and will therefore not say further at present, than that if this witness, disgraced as he certainly is, by his own confession, by a base connexion and community of flagitious purposes, with persons engaged in nefarious designs, and by other circumstances stated by himself on his examination; yet even so, if he be confirmed so as to render his narration of circumstances generally credible, this, added to the other evidence proceeding from the prisoner at the bar, or applying to him from other quarters, is fit to be considered as a part of the proof in this case, and will deserve your most grave consideration in determining upon the guilt or innocence of the person most materially affected by his testimony.

Gentlemen, I will now proceed to state the evidence, which will occupy, I fear, a considerable portion of time, and make a very great demand upon your patience, but which I feel assured, from that degree of it which you have already displayed, will endure as long as the exigencies of public justice require. I will first, however, state to you, Gentlemen, what are the overt acts charged upon the record; that is, the means which have been

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adopted for the accomplishment of the treasons charged; there is the same set of overt acts laid with reference to each of the treasons charged. There is, first of all, consulting to devise plans and means to subvert the constitution, and depose the King; to levy war and subvert the constitution; conspiring to attack the Bank and the Tower; conspiring to seduce soldiers and others; ordering pike heads, &c.; providing arms and ammunition; conspiring to burn the barracks; hiring a house to keep combustibles; conspiring to procure meetings in Spa-fields; treating for the hire of waggons and stages; hiring a waggon; providing arms, ammunition, and banners; making harangues, &c.; parading the streets; attacking the gunsmiths shops, &c.; addressing soldiers in the Tower; levying war, which is charged as an overt act of treason, under three of the counts, being itself the substantive treason alleged in the other count.

With respect to one of the overt acts charged, the conspiring to procure a meeting in Spa-fields, the evidence applies to these particulars, the circulating placards and hand-bills, and using means of inflammation to bring people to that meeting.

The first witness is Thomas Storer, who says, "I know the prisoner James Watson; I saw him in November last; on Wednesday the 6th of November, he was at my house in Fetter-lane; he wanted a memorial printed, which was to be presented to the Prince Regent, which was wanted for the 7th, that is, the day following, to be distributed at a meeting. I said that the time was too short to get it done; he read part of it to me; I remember a part, which was, that the lands were to be divided into parishes, and let out in parochial partnerships; and all the waste lands and mines and quarries to be appropriated for the use of government expences, and after that, the rental of the different parishes was to be divided amongst the people; those were the

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principal heads. I remember Mr. Watson said a meeting was to take place the following day, the Thursday, at the Carlisle in Shoreditch. He promised me that there would be a bill for a public meeting, which he would bring me to print. Nothing more passed on the 6th; I did not print the memorial; I saw Watson again on Sunday the 10th; he called at my house, and he brought me a copy of the bill to be printed; I was to print two thousand small and three hundred large copies; I composed it (that is, put the letters together) and printed one, and shewed it him in the evening; and he approved of it as printed, and asked if I would let him have some; I promised him some on the Monday morning; he brought me a ten pound note to take out what I wanted, as a deposit; I retained one pound, and my wife was to give him change. On Sunday evening he told me it would appear in the Morning Chronicle and the Morning Advertiser on Monday morning. He came alone at all these times. He came again on Monday morning; I was out, and, on my return found him and his son and another person; he asked for the printed bill, which I declined giving him. He asked, why I had not objected in the first place; I said, I at first thought there was no harm in it, but I had since thought it would be dangerous to have any thing to do with it; I said, "he knew very well what it was to call a meeting, but when they were assembled, who was to be accountable for their proceedings? James Watson the younger, asked what I was afraid of. Old Watson said, he supposed I was afraid of having my house pulled about my ears by the vengeance of the mob; that I was perverting the ends of justice more than supporting it by refusing to print the bill."—You see here Watson the prisoner was very active in the urging the printing of this bill to call this meeting.—"Young Watson asked for one of the bills; I said, that as my name was to

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the bill, any other printer would print it on that authority. He said he wanted one to send to Mr. Hunt; I declined giving one, and did not let him have any; I gave him back the paper, and the difference of the money, out of the one pound note. This is one of the papers. I returned the original manuscript to old Watson."

It appearing that notice had been given to produce the original, this was read; and it was to call a meeting of mariners, artisans, manufacturers, and others, in Spa-fields, on the 15th of November.

"I declined printing them, and young Watson took away the papers, and they said they should go to Tottenham-court-road, and would get them printed there by Messrs. Seale and Bates. I afterwards procured this paper" (that is a paper produced by him,) "on the Tuesday following, the 12th, from Seale and Bates. I know Greystoke-place; there are two entrances to it, one from Fetter-lane, and one leading to Cursitor-street, which is shut at night. I went on Wednesday evening, the 13th, by Greystoke-place" (you recollect Greystoke-place was one of the places where Watson was used to meet others, according to the evidence,) "to go to the Carlisle; I returned about one or two o'clock on Thursday morning; I saw some persons coming from No. 9, six or eight persons coming out of it."—I do not see that that comes to any thing; that is not connected with any subsequent evidence; only to show, that at that late hour of the night the people congregated.—"I kept one of the papers, and burnt the rest; I went, next morning, to the Morning Advertiser office, to see whether there was any advertisement to that effect; I first communicated to an old printer that I had kept one; on Monday I carried it to the Secretary of State's office. I kept one, as that was in my own possession; I was examined before the Jury at Hicks's Hall; I was examined also before the Grand Jury upon this

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bill; one of Mr. Litchfield's clerks took me to Hicks's Hall, and he subpœna'd me in February last, two months after I had printed this bill. I suppose I might be there about a quarter of an hour; I believe I delivered the bill to one of the Grand Jury; I have not seen it since."

Then Mr. Arthur Seale is called. He says, "I am a printer in Tottenham-court-road: I lived there in November, and for seventeen years before. In November I was applied to, to print a hand-bill, about the 11th of November, on a Tuesday, I believe. The application was made to me by a Mr. Preston, who said he would introduce me to some gentlemen. I had known Preston two years before; I see the man there; one of the persons who came with him is there; one is that gentleman [pointing to the prisoner Watson,] and Preston another. Watson was then present when Preston said, they wanted a hand-bill printed for a public meeting."—This, you see, is one of the overt acts charged.—"I printed the bill, amongst others; I printed it from a manuscript produced to me; I cannot say which of the gentlemen gave me the manuscript; I think it was not Watson."—Now, I would observe, if persons are once proved to be engaged in a conspiracy, the foundation being laid of the existence of the conspiracy, whatever is done by each and all in the furtherance of the common object, is the act of all.—"Preston and Watson, and two others, were in the front shop with me; the order was for about 3,000 small and 500 large; it might be more afterwards. A great number of people called for them; they were fetched away; I had no orders to whom to deliver them; I delivered them to persons who called."—So that these were matter of general publication, and, indeed, universal circulation.—"I delivered the whole quantity ordered next day; paper was brought by somebody from another printing-office; that is the manuscript from which I printed that bill; I do not

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know the hand-writing; I printed others for the meeting on the 2d of December; application was made to me about a week or ten days before the meeting; a Mr. Castle brought it, with an order to print about 4,000 small and 500 large bills; I have a large bill here; I said I would not take the order till I was paid for printing the former bill; the bill is in these terms: "At a meeting held at the Carlisle, Shoreditch, on Thursday evening, the 7th of November inst. it was determined to call a meeting of the distressed manufacturers, mariners, artizans and others, of the cities of London and Westminster, the borough of Southwark and parts adjacent, in Spa-fields, on Friday the 15th inst. at twelve o'clock, to take into consideration the propriety of petitioning The Prince Regent and the Legislature to adopt immediately such means as will relieve the sufferers from the misery which now overwhelms them." The names to this are, "John Dyall, chairman, and Thomas Preston, secretary," whose names appear to some other documents. "I have also a large bill here:" this is the bill for the second meeting, and a most unfortunate document, more strongly addressed to people labouring under any temporary distress, cannot be written. The words are these: "England expects every man to do his duty;" words, you recollect, uttered by our excellent and gallant soldier and sailor Lord Nelson, at a moment when he was doing his duty, and was inciting others to do their duty—"England expects every man to do his duty"—calling on the energies of every person, their physical energies, to assist in doing some act about to be done. "The meeting in Spa-fields takes place at twelve o'clock," (the time at which Hunt and his party were to assemble was one, but the persons who were to assemble for operations of a different purpose were to come at twelve) "on Monday, December 2d, 1816, to receive the answer of the petition to The Prince Regent, determined upon at the

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last meeting in the same place, and for other important considerations."—That is rather in a small character. Then this is in very legible and large characters: "The present state of Great Britain: Four millions in distress!!!—Four millions embarrassed!!!—One million and half fear distress!!!—Half a million live in splendid luxury!!!—Our brothers in Ireland are in a worse state—The climax of misery is complete, it can go no farther—Death would now be a relief to millions—Arrogance, folly and crimes have brought affairs to this dread crisis—Firmness and integrity can only save the country."—Then there is this, you will say, whether this is not merely a colour and appearance of moderation, and temperance and caution?—"After the last meeting, some disorderly people were guilty of attacking the property of individuals; they were ill informed of the object of the meeting; it was not to plunder persons suffering in these calamitous times in common with others. The day will soon arrive when the distresses will be relieved."—How far it was their object to prevent plunder, you will consider, in connection with the circumstance of their meeting and plundering the shops of the gunsmiths. Then follow these words: "The nation's wrongs must be redressed. Signed John Dyall, chairman, Thoˢ Preston, secretary." "The larger bills were printed about the 28th of November; I cannot tell what conversation passed; I never was paid for the last bills, but was paid for the first partly by Castle, for which I gave him a receipt, and other people who got them away paid for them; I have never seen the manuscript since the hand-bill was composed; I cannot say which gentleman delivered me the manuscript, but that gentleman [the prisoner Watson] was present." So that he was privy to every transaction which was stated in it.—"I read it aloud; that is the manuscript; I believe that he heard me read it."

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The next witness called, is a person of the name of Crisp. You recollect some discussion taking place; the Court were of opinion, that his evidence could not be received under the circumstances, he not being sufficiently described in the list of witnesses.

The next evidence is that of George Lewis, which I will read, but it comes to nothing. "I am an hackney coachman. On the 15th of November last, I was driving my coach; I was taken to Spa-fields; there was one person on the box, and there were two inside. I should know one of those in the inside; I see nobody here who was in the coach; I went near the Merlin's Cave. The man on the box had a wand, and a flag of different colours was tied to it."—Confirming, in that circumstance, the evidence of other persons.—"One Parkes made a speech from the top of my coach. Mr. Hunt came afterwards, and addressed the people from a chariot, and afterwards from the window of the house. Four people got into my coach to go away; the mob took the horses off; the people ran it against a wall; four people jumped out, and left me without paying my fare. I went to an hotel in Bouverie-street, where I saw Mr. Hunt, and several people with him. I saw, at Greystoke-place, a man who said his name was Hooper, and another man. I see none of those persons here."—This evidence proves only the meeting on that day, and the flag displayed; I do not see that it is very material for your consideration.

John Monkhouse says, "I keep the Merlin's Cave, Spa-fields; I remember the meeting on the 15th of November. Before the coach arrived, a dozen people came to my house; Preston and Dyall, whom I knew both by their names and persons, I remember to have been present."—Then the witness pointed out Preston in Court.—"They went into a front room up stairs, fronting to Spa-fields, called for pen and ink, and were writing a considerable

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time. Hunt addressed the people from a coach in the Fields, and afterwards forced his way up stairs against my remonstrances. The windows up stairs were taken out by persons there; I cannot say that that was done by Preston and Hooper; I do not know the person of the prisoner. I did not hear Mr. Hunt's speech, only a part; it was a speech exhorting the people to consider of their grievances. There was confusion in the house, otherwise I was near enough to have heard it; I was not attending to it. I forbad Hunt to speak again from my window; I went to him at the Old Hummums at Covent-garden. There was a flag in the room, close to Hunt's right hand, on the 15th of November; I cannot say what the inscription on it was. A man with Hunt said he would come up, whether I would or not. There was a magistrate there after Hunt began to speak, a Mr. Raynsford. I cannot say whether the magistrates saw the flag, a person coming up to my house might have seen it. One Wood, a constable, was in the house, and one Martin; I saw no other magistrate there. Mr. Hunt spoke from the window, and two or three orators besides Mr. Hunt. I should think there might be 20,000 people there; this was the 15th, the first meeting. I heard it stated generally, that there was to be an adjourned meeting to the 2d of December, not by Mr. Hunt."

Michael John Fitzpatrick, one of the clerks at the public-office in Hatton-garden, says, "I was at Spa-fields, in the room at Merlin's Cave, on the 15th November. I know both the Watsons; they were both there, and Preston was there, and Dyall was there. Dyall had papers in his hands; he did not read the resolution proposed. Hunt came in afterwards; he moved to adjourn to the first day after the meeting of Parliament. Afterwards young Watson moved, by way of amendment, to adjourn to Monday fortnight. Preston said, that this was a most

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glorious day; that they had a hundred thousand countrymen. Monday fortnight was the second of December. I stood between Watson and his son; Clarke, the chairman, proposed the day of meeting; the question was put by the chairman, and carried. The elder Watson had a roll of papers in his hand; Watson senior did not attempt to interrupt his son in any manner."

Vincent George Dowling was then called; you recollect he was the short-hand writer; he says, "I was at the Spa-fields meeting on the 15th of November; I was in the crowd; there was a very great number of people there. I heard Mr. Hunt speak from the window of Merlin's Cave; I saw a flag from the window, a tri-coloured flag, red, green, and white, with an inscription upon it; some reference was made to justice, humanity, and truth."—You recollect the comment upon the words.—"Hunt proposed an adjournment to the first day after the meeting of Parliament, young Watson proposed an adjournment to the second of December; from first to last they staid from one o'clock till nearly five. I attended again on the second of December; I saw several placards advertising the second meeting; I saw a placard, of which this is a copy" (that is the one I have already read to you,) "England expects every man to do his duty," produced by Seale. "I saw placards like that stuck on the walls; a considerable number of people were there. I went about eleven in the forenoon; from the window of the room I saw a crowd assembling at the end next Cold-bath-fields prison; that is the end where the speeches were made, where the waggon was, and from whence the departure was from that waggon, by persons who accompanied the Watsons. I went to the spot where the crowd assembled; I saw several persons bearing flags; I recognized one as the same flag I had seen on the 15th from the window of the Merlin's Cave, and another flag, a smaller one, both tri-coloured; another man

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bearing a banner, on which were inscribed these words "The brave soldiers are our friends, treat them kindly." Whether they were likely to be very kindly treated by those who, according to the evidence of one of the witnesses, meditated to destroy them all at the barracks, is a matter very worthy of consideration. He is afterwards asked, whether the word on the banner was brothers or friends; he says he cannot state positively whether it was the one or the other. "Some persons were tri-coloured cockades; a waggon, which I then first perceived, appeared to be the centre of attraction; into this a great many persons ascended; there was great confusion. I then observed the prisoner mount on the edge of the waggon, and wave his hands as if for silence. I saw Hooper and the younger Watson in the waggon with his father; I afterwards saw Preston. I was near enough to hear the addresses; I took down in short hand what Watson said. I have my short hand notes here, I took it in Spa-fields; these are the short hand notes which I took down, and I made the transcripts yesterday."

I will read to you, Gentlemen, the speeches as taken down by Dowling at Spa-fields; the speech of the prisoner Watson, and his son. Mr. Watson said, "Friends and fellow countrymen, we are convened this day in consequence of a resolution passed at our last meeting, to hear the answer to the petition, which we agreed to present to the Prince Regent. I cannot refrain from expressing the pleasure which I feel at this moment, in addressing so respectable a meeting. The petition to which I alluded, and which Mr. Hunt was deputed to present to the Prince Regent, was proposed in the hope that His Royal Highness would give an answer to that cries of those starving thousands by whom he was addressed. I am sorry to inform you, however, that he has resolved to give us no answer, (groans and hisses.) It is useless, therefore, to call to that effect. This

day we are called on to pursue another, *(cheers.)* "England expects that every man will do his duty."—We are called on, because "four millions of our countrymen are in distress; because as many more are embarrassed; and because a million and a half fear distress." While these miseries exist, how few enjoy splendid luxury!—only half a million, as this placard expresses, are not either in fear of embarrassment, or in debt.—Under these circumstances, I ask you, friends and countrymen, if the ministers have done their duty, in advising the Prince Regent not to hear our cries? *(answer from the multitude, 'No! No!')* Has the Prince Regent himself done his duty? *(No! No!)* Was there ever a more calamitous time in this country, than this moment? *(No! No!)* It is not only in this country that we are thus oppressed. Our sister country, Ireland, has shared in our misfortunes.—There the climax of misery has been brought to a close.—There their sufferings cannot be extended farther. Are we to go on from time to time, from month to month, from year to year, crying to the father of his people, as he is called, in vain, for redress? *(answer from the multitude 'No! No!')* The present then is the time to do something! *(huzzas.)*—What! will men, with the minds and hearts of Englishmen—will they continue thus, for months and years, to be starved? *(answers of 'No! No!')* How, then, are we to be restored to our rights? Not by talking—Not by long speeches—Not by petition, for our petitions are not heard—*(reiterated cries of 'brave!')* It appears that we are placed in a state of bondage—the rights of civil society are not attended to—the calls of multitudes from time to time, avail nothing.—That Parliament, which was intended for the protection of the people, was invited to assemble together to take into consideration the distresses of these calamitous times—to consider in their wisdom, if they possessed wisdom, the situation in which we are placed, in vain. In this distressing

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situation, they should have assembled together, and taken into consideration the prayers of the dying multitude, and not have been deaf to our cries. *('They ought! they ought!')* It must rest with ourselves now to consider, how we shall relieve ourselves in these calamitous times. We have been told truly, that trade and commerce are annihilated—but we still have the earth as our resource. The earth was by nature intended for the support of mankind; and is sufficient to place every man in distress in a comfortable situation. If a man has but a spade and a hoe to turn up his mother earth, that will prevent him from starving. In the situation in which we are placed, how is this to be done? I will tell you. I have said that the bonds of civil society have been neglected—what then is our situation? They have placed us in a state of nature; they have neglected the cries of the hungry and starving people. Not a day that we pass through the streets of this great metropolis, but we see people starving to death; are they ignorant of this? if they are, they ought not to be—but they are not; they have come to a resolution not to relieve us; they know full well that the people are starving in every part of the kingdom, while they will admit of no measure to relieve them. *(Groans, and cries of 'Shame! down with them!')* Will they now hear our cries? *(Answer from the crowd of 'No! No!')* Have they not been supplicated in the language of men, in the language of forbearance and patient suffering? *('Yes! Yes!')* The Israelites were in a state of bondage for four hundred years, but we have been double that time. Ever since the Norman conquest, kings and lords have been deluding you, they have in many instances converted you to their own wicked purposes; but this must last no longer. *(huzzas! bravo!)*"

Then Mr. Watson the younger, follows his father.—"Friends and Countrymen,—The last time we met in this place, I had the honour of saying a few words to you. I

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was the person who proposed the resolution, that we should meet again this day. I said then, if we were to hold our meeting on the first day of the meeting of Parliament, it was not in our power to tell when we should meet; and it might be that we should never meet at all. At that time it was agreed to present a petition to the Prince Regent; you have been told that your petition was presented, but answer there was none. His Royal Highness replied, 'My family have never attended to the prayers of the people, or received petitions, unless they came from the Universities of Oxford or Cambridge, or from the Corporation of London;' in a word, 'I will not attend to the prayers of the people!' *(groans and hisses.)* This man calls himself the father of his people *(Cries from the crowd, 'd——n him.')* Is it not the duty of a father to protect his children? *('Yes!')* Has he done so? *('No!')* No, he leaves you every ground for complaint, while he tramples on your rights *(groans and hisses.)* There is no luxury which he spares, because he knows the expense will be paid out of your pockets *(groans.)* Are we to submit to this any longer? *('No!')* Will Englishmen suffer themselves to be trampled upon, like the poor African slave in the West Indies, or like clods or stones? *(Cries from the multitude of, 'No, we must have relief!')* We can expect none from their hands—yes, I beg your pardon; since our last meeting, from the resolutions which we passed, calling upon the people to come forward, some persons have received some ox-cheek soup and beef-bone broth *(laughter.)* Some persons have come forward with their two or three hundred pounds, who should have come forward with their one or two hundred thousand. Do you believe that these persons are sincere in their wishes for the people? *('No! No!')* These men come forward to rob you of all you possess, and then give a penny to pay the turnpike. The Prince Regent in his

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great generosity, has given you five thousand pounds out of the funds, which do not touch his own pocket *(cheers and hisses.)* Yes, it appears that he plunders you of millions, and then gives you a part of the spoil *(cheers and groans.)* My friend here has been described by the treasury journals, as a second Wat Tyler. No bad title; for, be it recollected, that Wat Tyler stepped boldly forward, for the purpose of opposing an oppressive tax; and would have succeeded, had he not been basely murdered by William Walworth, then lord mayor of London. But we have no bull-rush lord mayors now. And if he was surrounded by thousands of his fellow countrymen, as I now am, there would have been no doubt of success! *(cheers and huzzas!)* It seems to be the determined resolution of ministers, to carry every thing with what they call a high hand; or, as they say, 'our Sovereign Lord the King will carry every thing with firmness.' In short, they will carry the business in defiance of the voice of the people *(hisses.)* If they will not give us what we want, then shall we not take it? *('Yes!')* Are you willing to take it? *('Yes!')* If I jump down among you, will you follow me? *(universal cries of 'Yes!' and loud shouts.)*"

It appears then that he jumped down, and was followed by many of the persons there present.—"At that moment young Watson seized a tri-coloured flag and went out of the field, heading the mob towards Coppice-row; all the persons in the waggon jumped out and followed him; the persons in the waggon had cockades; Hooper and the younger Watson had. Preston was elevated on some part of the waggon all the time. The younger Watson jumped down I think, with the larger flag. Coppice-row was about two hundred yards from the waggon; at the corner of Coppice-row, I saw Mr. Stafford attempting to seize the flag; this was pulled down, as was the banner; a man in a sailor's jacket had the banner; the large flag changed

hands at the corner; I saw the elder Watson stand near the public house; I went and acquainted the magistrates what I had heard; some said the cry by some of the mob was, 'to the Tower,' by others, 'to the Lord Mayor.' I saw one man with a sword or cutlass, and another with a pistol, as I thought. I returned to the house near Merlin's Cave, and subsequently to the city; I saw the elder Watson at the corner of Coppice-row, I afterwards saw him with a set of people following him in the same direction. I came up with part of the mob in the Minories; I passed Beckwith's shop and saw it demolished; the windows were fractured and the shop was dilapidated; the shutters were put to. I saw the houses of Brander and Potts and Rea, the gunsmiths, demolished in like manner. I saw pikes and long guns and muskets pulled down and lying in the streets in front of the shop; the windows of Rea's shop were quite demolished. The mob was not there, I met them coming up the Minories; they were armed with guns, pikes and cutlasses, dirks and various weapons, and a brass carronade, a piece of ordnance on wheels drawn by two sailors, guided by a marling-spike; behind some discharged their pieces in the air. I continued with them till the mob were dispersed by the Horse Guards; they called 'To Spa-fields,' to go back there; I saw them running in different directions, on account of the arrival of the Horse Guards; I went back to Spa-fields; there was a numerous meeting at Spa-fields still remaining, when I got there."

On cross-examination, he says, "I have not applied for any employment under Government, nor for any reward; I have expected to be paid as a short-hand writer. I have said I expected to be rewarded for my labours as a short-hand writer, and my attendance; I expect to be remunerated for the trouble I had; I attended on the 5th of November at Spa-fields; I was not sent by any body; I am connected with a public newspaper. I went in the

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capacity of a public newspaper writer; I was not directed by any body to attend at Spa-fields on the second of December. When there, I was desired by Mr. Green, Mr. Gurney's clerk, to assist him in taking notes there; I made a communication of what had passed; I did not exactly transcribe the words of the banner; I cannot say whether it was, the brave soldiers are our friends, or are our brothers. The speeches of the Watsons finished by about half-past twelve; Watson junior was the last speaker; I was in front of the waggon; I was seen by many people; I saw Mr. Stafford near the waggon, I did not speak to him; he was near the end of Coppice-row; I saw a magistrate near the place, Mr. Baker; I saw no red coats on horseback from Spa-fields; I saw one man with a short sword and a pistol, as I believe from the appearance of it; the flag was white, green and red, a tri-coloured flag; I do not think it was the French tri-coloured flag. I believe I was examined on Hooper's trial; I thought not at first."—This closed the evidence on the first day.

On the second day, Charles Sheerman the younger was examined.—"On the 2d of December last I was in Church-street, Bethnal-green, about twelve o'clock at noon; I saw a good many persons there; there were several cockades and one flag; both the flag and the cockade were tri-coloured, proceeding towards Shoreditch. I followed them, I do not know who carried the flag, they proceeded to Spa-fields; the flag was taken there, and planted on the waggon; there was another flag on the waggon, some persons were speaking at that time from the waggon. I did not notice the person speaking from the waggon, but he was one of the mob I had seen in Church-street, he was a young man; he was not the person who carried the flag, but he was near it at times. The conclusion of his speech was, if he jumped down would they follow him."—This, therefore, confirms Dowling in that part of the conclusion

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of his speech, as to his jumping down, and enquiring, whether they would follow him; they said they would, and he jumped down from the waggon; the flag, and a great many other persons, went out of the field. I went then to the other part of the field; I did not follow the crowd. There was a frame with white canvass, or something of that kind, with some words painted upon it; there were two other flags. It might be five or ten minutes that I was standing before I heard the person say he would jump down. There was a good deal of talking and hallooing; I heard only the words I have mentioned, though I endeavoured to hear; they were hallooing at times, and pushing and jostling. There was nothing going on in the other part of the field; they were expecting Mr. Hunt. I immediately left them. I did not take any particular notice of the canvass in the frame, it was like a picture frame. There were several persons in the waggon; when the speaking was going on a great crowd was round the waggon. The frame was supported on a highish pole. Not more than one person spoke whilst I was there, to the best of my knowledge. There was no person remaining in the waggon at the time that I observed a great number of persons follow him."

Charles Sheerman the elder, says, "I live near Bethnal-green. I remember the meeting at Spa-fields in December; I was in Bethnal-green-road that morning between nine and ten; there were a good many people there. I saw a flag there, red, white, and I believe green, flying at the end of a pole; one or two persons had cockades; I did not notice the colours; they were proceeding towards Shoreditch; I followed them, they went to Spa-fields. I know Merlin's-cave; Mr. Hunt spoke from thence; there was a waggon there, and a great number of people when I got there; the flag was put up into the waggon which I saw; there were people in the waggon,

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and I heard a person speak from the waggon; but I heard but few words; the speaker from the waggon appeared to be a young man; I think he had a cockade to the best of my recollection; I remember some words that were spoken rather loud. He asked the people, whether they would like to be fed on ox-bone beef soup; if they would put up with it; they said, No. That was the answer of the persons round; I have forgotten the other words. He asked the people, If he jumped down, and went first, would they follow him."—He, therefore, confirms Dowling, not in the very words, for the words were, "if he jumped down, and went first, would they follow him." That is one of those immaterial differences which rather confirm the credit of the story told by different persons, than impeach the credit of it;—'if he jumped down would they follow him,' the answer from a great many was, that they would; he got down, and a great many people followed him; they went towards Cold-bath-fields, I did not follow him; I was in the fields when the speaker first got up on the waggon. I went to hear Mr. Hunt; I fell on this party by accident; I understood the flag was going to Spa-fields. I cannot say how near to the waggon I was, nor I cannot say the distance I was off; there were people in the waggon when the flag was put in. He began his speech in two or three minutes after I arrived; I heard nobody else speak; from deafness I heard no more than I have stated. I was examined by Mr. Gifford, before Christmas-day, more than a week after the meeting in Spa-fields. I was never examined at Hicks's-Hall; I was sent for to Stone-buildings since Christmas. I was at two meetings at Spa-fields; I heard Mr. Hunt speak the first time; there was a tri-coloured flag at the window; at that time I heard Mr. Hunt propose attending there again. I think that day six weeks, as I understood; my memory is rather feeble; it was put to the vote, and agreed to meet

Mr. Hunt at the time he named, to the best of my recollection. The first time I went I did not know where Spa-fields was, and I went out of my way; at the second meeting I followed the flag, because I did not know my direct way. I returned the first day to my own place; the flag was taken from the waggon; when the young man jumped down, a great many went with him. I knew there was to be a meeting that day before I saw the flag."

Gentlemen, upon the subject of the flag, it is certainly very important if you give credit to this narration, confirmed by two other persons, that, upon the close of the speech, young Watson jumped down, and led the way, and told them he would go if they would follow him. It is an act, embodied as they were in multitude, of attack on the authority of the government of the country, tending directly to overturn the government of the country, marching in military array towards that post where the violence which has been the subject of the evidence was committed, namely, to the gunsmiths' shops.

John Stafford, chief clerk at Bow-street, says, "On the 2d December last, there was a large assembly of people in Spa-fields. I knew there was to be a meeting there on that day, from having seen placards on the walls. I was not at the former meeting, on the 15th November. The mob was addressed from Merlin's-cave by Hunt and others. I saw a flag close to the house; it was displayed; it was of three colours, green, white, and red—a large flag, on a pole, and inscribed on it, 'Nature, Truth, and Justice.' I did not read what else; there were those words in larger letters. I attended on the 2d December. A great many police officers were in attendance. I expected the business of the meeting to commence at Merlin's-cave about one o'clock. I arrived, I think, about half past twelve. I found a great mob there—thousands. At the lower end of the fields, next to the chapel, there

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were a great many assembled round a waggon, a large four-wheeled waggon, and a great number of people in it. There were two flags in it; one with 'Nature, Truth, and Justice, on it, which I had seen at the former meeting at Merlin's-cave, 'Nature to feed the hungry, Truth to protect the oppressed, Justice to punish crimes.' There was another flag of the same colours, without any inscription, displayed from the waggon—a banner on a square frame, a piece of calico in the middle, with an inscription, 'The brave soldiers are our brothers; treat them kindly.'—Now the address to the soldiers upon this flag evidently gives an expectation that the person carrying it might come into contact with the soldiers, and that they thought well of them; that they were brothers; and that they wished them to treat them kindly. It was calculated to soothe any unkind feeling on their part towards them, and to create a wish in the soldiers not to oppose any resistance to them, so as to prevent an armed attack upon them; it was fixed on a frame, quite legible; there were two flags besides the banner. I drew this a few days after seeing it; this is a plan of the waggon, with the flags and banner; the waggon was full of people. I did not then know the persons in the waggon, the prisoner Watson was one. When I arrived, a young man was addressing the people, and the prisoner was close to him, but rather behind him. Some thousands, I think, were surrounding the waggon; I made no minute of the speech; he spoke loud, and the mob cheered his speech; it consisted principally of interrogatories."—You recollect what has been already stated of it.—" The mob returned cheers, and answers, No, no; and some persons, Yes, yes; and a cheer or a huzza. I then quitted the spot, and proceeded to Coppice-row, leaving the man speaking; I heard a greater noise than usual from that spot; I turned my head, and saw them all in the act of jumping down from the

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waggon, and the flag and frame move from the waggon."—You will find by-and-by, that this measure of jumping down from the waggon, when the words, "Follow me," should be uttered, had been previously settled, and the measure arranged according to the evidence for the 15th November; it did not then take place, and then it was again settled for the 2d December, when it did take place.—"All the rest were in the act of jumping down from the waggon; the mob then moved towards Coppice-row; the whole torrent was directed to Coppice-row, the flags and banner accompanying them. A small part of the mob preceded the flags and banner; when the flags approached me, I rushed from the foot-path, and laid hold of the three coloured flag, without inscription; I endeavoured to break the pole; it was too much for my strength; putting my feet on the flag, I called for assistance, and Limbrick came to me; I was driven from the flag; it was torn in the struggle, and a strip of the green remained in my hand. Limbrick had hold of the banner at one end; I broke the frame in, and got a part of the frame, and defended myself with it."—This Mr. Stafford produced.—"That is the height of the square; Limbrick pulled the inscription out of it; the inscription remained in my possession; the mob passed, and went towards Smithfield, in a direct line to Skinner-street."—He verifies the flag, and you recollect the production of a part of the flag.—"I took that green piece out of the flag; there were two flags and one banner in the waggon; the banner and flags had the inscriptions I have mentioned. I was at Merlin's-cave on the 15th November; I was too far off Mr. Hunt then to hear. I think I saw them taking out the frame of the window at Merlin's-cave. I did not go into the house. I saw some magistrates in the field. On the 2d December, I saw a great many of the police officers there; I believe they were all there; a general order was given for their attendance; our establishment at

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Bow-street, is about one hundred; perhaps seventy or eighty of them were there; they were ordered, I believe, to attend by ten or eleven. I went about half-past twelve; I was induced by seeing the flag. There are seven police offices, besides Bow-street office. I saw many of the officers there, some from each police office; and all, I suppose, were ordered. Ours (the Bow-street) officers, were ordered to attend. I saw no soldiers in the field, or near Spa-fields, on the 2d December. I gave no direction to the military to attend. I was once within fifteen or twenty yards of the waggon; I saw Mr. Baker, a magistrate, near the waggon, I am not certain whether Sir Nathaniel Conant and Mr. Hicks were also there. I asked Mr. Baker, whether it was to be suffered. I do not know that the magistrates had a room for meeting near Merlin's-cave. I never was near Merlin's-cave that day. I saw several constables in the neighbourhood of Spa-fields. I saw several persons with constables staves whom I did not know; there were none sent from Bow-street. After I took the flag, I followed the mob, and I saw them going in a direction towards the city, and left them. I had read placards on the walls not more than two or three days before the 2d December; the magistrates gave directions on Saturday the 30th November, for attendance at Spa-fields. I do not know of the means by which the magistrates were apprized, that there was to be a meeting at Spa-fields. Sir Nathaniel Conant is at the head of the police, and has a room appropriated to him at the Secretary of State's office; the orders for police are generally issued from the Secretary of State's office, and Sir Nathaniel Conant is the general organ of communication; I was not with him. One man, I think Hooper, aimed a blow at me, and I struggled with the flag-staff; the banner and flag were taken in my presence."—Then he is asked, as a matter of observation, "Why was not the flag seized at the former

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meeting?" he says, "I did not consider that I had any authority to seize the flag at the first meeting; there was not such an indication of tumult and insurrection at the first meeting, as was exhibited afterwards."—This is to account for their not taking those measures at the first meeting, which it was ultimately necessary to take.—"This was near to the Cobham's-head."

The next witness called, is an officer of the name of John Limbrick; he says—"I am an officer of police of Hatton-garden; I was attending at Spa-fields on the 2d December; I was stationed at the end of Coppice-row; I observed a waggon in the field before I arrived, I went into the field, and approached the waggon; there were many persons in and upon it; great quantities; they were two or three thousand about it; there was a great number also near Merlin's-cave. I heard speaking from the waggon, but not the very words, I was not near enough. I observed the prisoner in the waggon; he was speaking, I think, whilst I was there; he was moving his hands as if speaking. I saw a banner held up by a man in a sailor's dress, turning it round in all directions with slow motion; it was fixed at the end of a pole; there was another tri-coloured flag, held also by a man in sailor's clothes; there was an inscription on the banner, but I did not read it; there was another smaller tri-coloured flag; only one flag had an inscription on it. I saw one Hooper there, I afterwards saw him at the Old Bailey; I saw him in the waggon with a tri-coloured cockade. I returned to the Cobham's-head, Coppice-row; I heard a noise, and saw the mob coming that way, and Mr. Stafford having hold of one of the poles of the flags; I went to his assistance, I pulled down the flag, a small tri-coloured flag, and Mr. Stafford pulled down the banner; we had a struggle about it; we got the banner; and broke the frame. I heard a cry from the mob of, "cut him," or, "cut his bloody head!" this is the

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called I tore out of the frame, 'The Soldiers are our Friends.' I saw Hooper in Coppice-row; he was in front of the procession, and very busy when we had the struggle about the banner. The mob went in three directions; some towards the fields, one body towards Gray's-inn-lane, the principal body towards Smithfield; the large flag, with the inscription, went towards Smithfield I think, but I am not sure. I know Preston; I saw Preston in the waggon; I saw a great many in the waggon, not speaking whilst I was there; I was stationed fifty yards from the waggon; I went about ten o'clock, and the speeches began about eleven; Mr. Rainsford desired me to take that station. An hour after I first saw it, a banner and two flags were hoisted on the waggon; it was then I heard a person speaking; I remained a quarter of an hour; in three quarters of an hour afterwards, I saw them coming to Coppice-row. I saw no magistrate about; I thought I saw a flag flying. I cannot say whether any body but me assisted Mr. Stafford; I tore the banner and broke the stick, and tore the flag; I saw Mr. Stafford was in danger, I saw no other person assisting him but myself. I was examined, as to the transactions of this day, soon after before Mr. Litchfield, and at the Old Bailey when Hooper was tried, and before the grand jury at Westminster; I was examined only before two grand juries. I produced the banner at the Old Bailey on Hooper's trial; the flag was not produced in my presence. I was not on the morning of the 2d December, at Whitehall. Spa-fields is in the county of Middlesex;" that is only so far material as that the act must be done in the county from which you are impannelled, to satisfy the requisition of the law, that the scene of these transactions was in the county of Middlesex. "I might be nearly eighteen yards from Watson the elder, when I saw him speaking, the noise was so great I could not hear him."

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Then Edward Goodspeed says, "I was in Spa-fields on the 2d December; I was there about eleven o'clock; there were a great many people; there was a waggon, and flags on it. I saw Preston, and Hooper, and Watson the elder there. I was afterwards at Coppice-row, and saw Hooper coming out of Spa-fields with a tri-coloured cockade; all came out of the waggon and field together. The colours were then seized by Mr. Stafford; Hooper was very near to the colours; I did not see him do any thing. Limbrick was knocked or shoved down, I cannot say by whom."—Cross-examined, he says, "I went as constable for St. Andrew's, Holborn; we had an order from the sheriff by the high constable. There were four constables from our division, consisting of seven, the other three might be there; I did not see them. We all had orders to attend at ten o'clock, issued on the Saturday; we were ordered to assemble at the House of Correction, and our names were called over; I cannot say by whom, by a stranger to me; I only heard my own name, and answered it. I cannot say how many constables there were besides myself; we were appointed to no place in particular; the banner was taken away by Stafford. Limbrick was knocked down; I saw him on the ground; he was knocked or shoved down by pressure of the mob; he went to assist Mr. Stafford. I was ordered by the high constable to wait at the prison-door; I waited till three or four o'clock. I saw nobody brought in; the people waited in Spa-fields in great quantities till six or seven in the evening about Merlin's-cave."

The next witness is a person of the name of John Huggins; he is a tide-waiter in His Majesty's customs. "I was in Spa-fields on the 2d December, about twelve o'clock; I saw a waggon in the fields; Preston was in it; there was a great number of other persons in the waggon; I saw a flag in it. I was about twenty yards from the waggon; I saw several persons get out from the waggon towards

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Coppice-row, followed by great quantities of people. I saw Mr. Stafford in the mob calling for assistance; he got hold of a flag, and was struggling for it. I saw Hooper with a tri-coloured cockade in his hat, attended by the crowd; he was struggling with a man that Limbrick held at the time Limbrick came to Stafford's assistance. Limbrick got a man whom Hooper and others rescued from him. The banner was white calico; Stafford was struggling for it; there was an inscription upon it, 'The Soldiers are our Brothers; treat them kindly.' Limbrick was knocked down nearly at the time, or shoved down by the mob; he succeeded at last in getting the banner. I saw Hooper go, with many others, down Coppice-row; there were near a hundred of them. I remained at the Cobbam's-head, Coppice-row; four or five hundred remained behind in Spa-fields; I remained about an hour there." Then, upon cross-examination, he says, "I am a tide-waiter; I am paid when on duty; I was a special constable. I have been on duty as tide-waiter more than ten times within five years. I was stationed at the Cobbam's-head in Coppice-row; about a hundred people were there; four or five hundred were left in the fields. The magistrates were at a room by Merlin's-cave, three doors from the Merlin's-cave, a private house. Mr. Sellon and Sir Nathaniel Conant were there, and I saw Mr. Raynsford there about twelve or one o'clock. I saw Mr. Stafford there, but not in their presence; whether Mr. Stafford saw them is matter of conjecture only."

Then Moss Moses says: "I was at Coppice-row on the 2d December; I was not near Mr. Stafford when he took the flag; I got possession of the flag from a man in a sailor's dress, by desire of Limbrick; I believe that man was struggling with Limbrick; this is the flag I seized. The flag has been since at a prison near Spa-fields; I am sure it is the same; it has been out of my possession two months. I should not

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like to swear that it is the same identical flag. I was not examined about it before; it was cleaner when I first took it. I found it in the hemp-warehouse in the prison."

Stafford is then called again, and says "The flag was torn in the struggle; the piece torn off is in my possession, and exactly corresponds;" and he shews by its fitting that it is the same.

Thomas Graves says, "that he lives at Cow-cross, in the way from Coppice-row to Smithfield. On the 2d December last I saw a great mob passing my door towards Smithfield; they had a flag with them of different colours; there was some noise; six or seven hundred people passed my door. I know Preston, and saw him there; I had known him some time; he spoke to me, told me to take my things for there would be bloody work. Preston went on with the mob; he is lame; the mob was ten minutes in passing my door; the first part was going very quick towards Smithfield." On cross-examination, he says, "I had too many goods out of doors to attend to the words spoken; I am a broker; I had known Preston long before; he told me to take in my things, and said there would be dreadful or bloody work.

Edward Hone says, "that he was in the service of William Andrews Beckwith, on the 2d December, a gun-maker, No. 55, Skinner-street, Snow-hill. I was there on the 2d December. About twenty minutes after twelve Mr. Platt came into our shop on business; Platt had finished his business, and was going; a person rushed into the shop with a pistol in his hand; no persons collected about the shop; a short man, five feet four or five feet five, thin visaged and prominent chin; he seemed twenty-two or twenty-three years old; he demanded arms, and said, 'arms, arms!' Mr. Platt turned round, and put a hand on each of the man's shoulders; he said, according to my recollection, 'My good fellow, consider what you are

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about;' immediately afterwards, before the sentence was finished, the pistol was fired."—Now, if a person had been engaged in a legal business, instead of being in the act of demanding arms, that interposition would not have called forth his anger.—"Immediately afterwards before the sentence was finished, the pistol was fired; the lappel of Mr. Platt's coat was torn; Mr. Platt clapped his hand to his belly, and said, 'I am wounded, fetch me a surgeon, for God's sake, fetch me a surgeon.' Platt said, 'Don't let him go.' I said, 'No, Sir, 'he shall not go.' He repeated, 'Fetch me a surgeon, I am wounded.' The person who wounded him chucked the pistol down on the apprentices bench, and said, 'I am a surgeon, I will examine him.' Platt says, 'No, no, fetch me a surgeon.' Several neighbours came in, and a man of the name of Worrall, a constable, came in, and took the man in charge; above a hundred people collected about the shop-door. I delivered the man to Worrall, and I went out to clear the people away; I got them pretty well away, and got into the shop again, and saw a mob go by of nearly three or four hundred, with tri-coloured flags; the mob cried out, 'This is the shop,' and returned back in five minutes. I spoke to them, 'My good fellows, what do you want; don't hurt Mr. Beckwith, he wishes well to the cause.' A person in the dress of a brewer's servant, stood in an attitude to break the windows; I said, 'The young man is gone, he has made his escape.' The mob cried, 'We will have him out;' and one of the mob cried 'To Tower-hill.' I said, 'To Tower-hill, my boys,' to get them away if I could. They did not seem satisfied, and said they would have him; I said he had gone down Sea-coal-lane. The young man appeared at three pair stairs; the mob then began to be very infuriated; they said, 'There he is, we will have him out.' They broke the windows, and took guns, and with the but ends broke the window

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frames; they took out a great quantity of guns and pistols; the shop was literally cleared. I saw them bring guns out from the shop and shop-window and counting-house; many of them were for exportation. They distributed them fronting the door, and said, 'Here are arms, my boys.' Powder and shot were also taken from the shop, with which they loaded them at the door. I was so confused, that if I had not taken a drop of spirits I should have dropped. I afterwards saw the young man come out of the shop with a pistol in each hand; the mob cleared away greatly; he joined the people, and they went towards Newgate-street."

On his cross-examination, he says, "I attended at the Old Bailey, but was not examined. I was talking with Mr. Platt; he put his hand on each shoulder of the young man suddenly, and then the pistol went off. It might be a second between his laying hold, and the firing of the pistol. There seemed great regret in the young man; he bit his lips, and looked very sorrowful; there were three or four folks following him. They decamped, and I shut the door myself. Nobody, though the guns were exposed, attempted to touch one of them. I did not first say, 'To the Tower.' They did not seem satisfied; I heard the cry of 'We will have him out.' The attack on the shop was when the young man was observed above stairs; I never saw the young man before, or since. I gave the pistol to the apprentice Roberts, and bid him take care of it. He took it up before the house was broken open."

The next witness called is Mr. Richard Platt. He says, "On the second of December last, I was at Mr. Beckwith's shop in Skinner-street; I was speaking to the foreman; a young man rushed into the shop, stamped his foot, and cried, 'Arms! arms! we want arms.' He fixed his eyes upon Beckwith's man, then upon me; he raised his pistol, and cocked it, and was in the act of bringing it to my

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breast; I struck it with my left hand, to catch the muzzle of the pistol. He drew it from me; brought it round, and shot me in the belly. The ball entered four inches from my navel. I immediately said, 'You have shot me!' I closed with him, and endeavoured to catch the pistol a second time; I pressed on him, and then he struck me with the butt-end of the pistol. I said, 'You have shot me; what did you shoot me for? I am one of you; send for a surgeon.' He said, 'I am a surgeon myself.' He exclaimed, threw his hands up, and said, 'I am a misled young man; I have been to Spa-fields.' He attempted to pass me; I stopped him, and said, 'I must have you secured.' After this, I intreated somebody to come in; and said, 'That man must be secured.' Before I went up, a constable came, and searched him, and in his pockets a pair of lancets were found. We were a considerable time in the counting-house together; a surgeon came, and we went up stairs. I sent for an hand-cuff. I heard a great rattle below, and a crash. I and another person with me finally escaped over a back way for safety."

On his cross-examination, he says, "I only caught the pistol with my hand, as he entered the shop. I did not put my hands upon his shoulders, nor till he had thrown his pistol up; I did not put my hands upon his shoulder, but in the act of striking at the pistol my hands went over his shoulder. He was a very thin man. There was no intention on my part to wrestle with him, but to try and catch the pistol. I did not think his expressions of concern were sincere; for he was instantly calm, and tried to slide away from me. There might be fifteen minutes between the time I was wounded, and my hearing the crash."

John Roberts, the apprentice to Mr. Beckwith is then called. He says, "I was in the shop with Mr. Platt on the second of December; I heard the report of the pistol; the young man put the pistol on my bench. When he had

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filled it, I took it up; it was given to Mr. Worrall. He took the young man up stairs, the shop was nearly cleared; there was a great quantity of ammunition in it; I saw the young man take a pair of pistols out of a mahogany case, and load them with powder and ball, when I stood beside him. There were balls in the mahogany case. I said, 'My boys, we have got plenty of ammunition and arms, and we'll be off,' I pretending to be one of the party. He went out towards Newgate-street, looked round the mob, went in the same direction, and I never saw him after. The mob were nearly gone then, having plundered the shop. In sweeping the shop a day or two afterwards, I found a pair of lancets, and delivered them to Mr. Beckwith; the name of Watson was scratched on one, when I found it. I saw the name of Watson afterwards on it, when it was examined before the Lord Mayor. I took up the pistol directly it was thrown down; I kept the pistol in my hands, and afterwards gave it to somebody for the officer. I said to the grand jury what I have mentioned. Mr. Beveridge was the surgeon who came."

Gentlemen, the name of Watson upon the lancets is not conclusive, unless it should appear that the younger Watson had them before. I think that circumstance, therefore, may be thrown out of your consideration; it is not very material.

William Andrews Beckwith says, "I received two lancets the second or third morning after the mob had been at my house. I examined them immediately, and discovered the name of Watson on them, by the help of a glass. I lost between fourteen and fifteen hundred pounds value of guns and different arms that day; thirty or forty guns, and double the number of pistols, that is considerably within the number of those which were taken away; and one or two swords; powder and shot, powder flasks and ammunition, and shooting instruments."

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George Haslewood Worrall is then called. He says, "On the second of December I was a constable of the city of London, and that day I was at Mr. Beckwith's. I was sent for; I found a great number of gentlemen, sixteen or seventeen in the shop and counting-house; I took a young man into custody; I laid hold of the cuff of his coat and searched him, and found some papers in his pocket; my mark is on them, it was put on some days afterwards; I left them with Mr. Wontner; I believe them to be the same; before I could take them into my possession the mob came; I asked to go back from the Lord Mayor's; I found these papers near where I first laid them."—You recollect, Gentlemen, that an account is given of the length of time he was separate from them, and some of the papers being taken away, we did not think there was proof sufficient to permit them to be read in evidence.—"I found some on a stool and some on the ledge of a window close by; these are the papers I found when I went back, there are six of them; I marked the pistol before I gave it to Wontner; I found it when I was searching him; I took him up three pair of stairs."

On his cross-examination he says, "I was absent two hours before I returned; I found some papers, with a key, which I took from the young man's person; I unlocked the door of a house, where I understood he lodged, with this key; the house was in Hyde-street, Bloomsbury; Fogg, one of the marshal's men, went with me; I tried the key; the papers were out of my possession a day or two before I marked them; I marked them at the Secretary of State's office; I put the key and the papers on a counting-house stool and on the ledge of the window; there were not half the papers left when I came back; Roberts, I believe, was in the shop when the pistol was delivered to me; I hid the pistol first at my own house; I kept it in my own possession till I marked it."—That is distinctly

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identified by the mark upon it.—" Zaccheus Bannister was the landlord of the house when I went with the key."

Sir James Shaw says, " On the second of December last, I was at the Royal Exchange, at half past twelve; I saw the mob first in Cornhill; the Lord Mayor and I went in pursuit of them; they crossed the front of the Royal Exchange; we rushed through the Royal Exchange to take them in front on the other side, the Lord Mayor and I having received information of prior occurrences, determined on putting them down. I seized several of them, and one flag of three colours, extended on a very long pole; I did not then perceive any arms; I seized the colours, and their bearer, and the pole; I believe that the flag I kept in my possession till delivered, with the prisoner, at the bar at Lloyd's coffee-house; the pole I could have spoken to positively; there were three inscriptions, 'Nature to feed the hungry,' and so on, the same inscription as on the flag; it was of the same colours and marked in the same way. I saw one musket taken from a man; two muskets were fired under the door of the Exchange into the centre, after the men and flag were taken and the doors shut; I heard the report of two; several of the men I had seized were in the Royal Exchange; I do not know what the guns were loaded with. The Lord Mayor and I went to meet the mob, with Mr. White and two constables; we got five constables in all; the whole party consisted of eight; we had no arms with us; we first saw the mob passing the south side of the Royal Exchange, none of them were on the north side; we dispersed them for that time; I cannot say that there was much resistance; the man who had the colours struggled to retain them; there was no personal alarm in any of our party; preparations were made before the second of December for the preservation of the peace of the metropolis; the meeting was a matter of general notoriety; the Lord

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Mayor and I, having received intimation that a small remnant of the rioters had gone to the east of the city, we pursued them; on hearing they were dispersed, we returned. The attack on the Royal Exchange was very momentary; the shot were fired under the door of the Royal Exchange, after the dispersion of the mob."—He is shewn a pole, and he says, "This is not the pole."

There was, then, a discussion respecting the reading of the papers; but, I have stated, they were not considered by the Court to be sufficiently identified to render it proper to admit them in evidence against the prisoner.

Thomas Taylor says, "On the day of the mob I was in Houndsditch; I saw it there going to the Minories. I have seen nobody since who was then going with the mob; I do not recollect any of them. The mob went on towards the Minories very quick. I observed a man walking with the mob who was lame; he was looking at the mob, with guns on their shoulders."

Francis Kimmersley, a constable, says, "I was in the Minories, on the second of December. I saw the mob there; they had arms, guns, pistols, and cutlasses. The gunsmiths shops had been broken open; I did not see Brander and Potts's then, but I afterwards saw that and Bea's, they had been broken open before I got there. I saw Mr. Preston among the mob three different times, at different places; I was ten or twenty minutes there before the soldiers came. On the arrival of the soldiers, the mob dispersed in all directions; some were taken with guns, and others threw them away; forty or fifty guns, besides pistols and cutlasses, and one piece of cannon, and secured that also. A great assemblage of the people remained after the mob first dispersed. I saw Preston amongst the mob at that time. I fixed my eyes on him."

On cross-examination he says, "I was examined by the Lord Mayor, and I stated, that Preston stood with his

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hands in front, and did not hiss. He stood quietly; I stared so at the Lord Mayor's; I observed him only accidentally. I live in Hanover-court, Houndsditch; I heard a great noise, and inquired the cause of it. On the soldiers coming, the mob dispersed, and threw away their arms in all directions; some of them used degrading language to the soldiers, and behaved in an outrageous manner."

On his re-examination he says, "On my coming out, I found all the shops shut up; every shop in the Minories was shut up, and all business was suspended."

John Hall says, "I am a merchant in London, and High Sheriff of Essex; my business is carried on in the Circus in the Minories. On the second of December, I saw a mob there; I went to Mr. Rea's shop, and assisted him to close it up. I had heard what had happened at Mr. Beckwith's; they arrived higher up the Minories at Brander and Potts's, with pickaxes and the butt-ends of muskets. I then saw one of the mob make an aperture in a fan-light window, and break the shutters of the shop-windows; I saw him remove the arms in the shop, and hand them to the populace; those who were on the outside were occupied in loading their guns, and firing them into the air; they repeatedly loaded them. Finding no military or police about to resist them, I went to the Tower to get assistance; it was refused me. I then returned to the Minories, and fixed myself near Rea's shop, to which the mob had then arrived, with a view of marking the leaders of the party. I observed them attentively; they were then attacking the door of Mr. Hewson's apartments, above stairs, to get a passage into Rea's house, through his apartments. That door afforded great resistance; they were at least ten minutes in getting admission at that door. Pick-axes and butt-ends of muskets were used to make an opening. A small brass field-piece was brought up, opposite the door, to fire in, as I suppose, to

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get entry at the door. The wadding was hanging out of the mouth of it, and it seemed to be filled up with something. I retired a little way from the door; the door being forced, they rushed into the house. Rea's shop was plundered of the arms, and they were delivered out at the window, in one street, and the door of the other. Since I came into Court, I have observed that man, Thistlewood; I am certain that he was there, and that he was active; the colour of his whiskers appeared lighter then than now, but I have no doubt as to the rest of his countenance. He wore a great coat then, close buttoned. He had no weapon then. I saw none of the other prisoners; one Simmonds was there also, who has been since convicted. I applied to several of the mob, to deliver up their arms before the military arrived, which several of them did. I have never seen Thistlewood since. When I saw him, he was sitting here as a prisoner; I never saw him, but on that day. I saw no disposition in the mob to do any personal violence, their object was, to obtain arms. They fired, as in commemoration of their victory in obtaining them. When they first appeared at Brander and Potts's, I thought twenty people could have disarmed them. Afterwards four or five hundred collected. I could not see any specific object they had in obtaining arms. They went up the Minories, towards Aldgate, from the Tower. At the Tower, the officer on guard said, he had no orders to move the troops. I thought a file of twenty soldiers would have been sufficient. When I returned from the Tower, there were four or five hundred persons; the mob was shouting and huzzaing, and there were drunken women with sabres in their hands. I thought there was serious danger, when I set myself to observe the leaders, and went to the Tower for assistance."

Mr. Beckwith then says, "These are the lancets which were delivered to me by my apprentice; they have been

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in my custody ever since; nobody has had access to them since, so as to make marks on them. I have seen 'Watson' marked on them with a glass. There were forty guns and between seventy and eighty pistols taken. The lancets were not produced at the Old Bailey."

The next witness is another gun-maker, Mr. Martin Brander: he says, "About a quarter past one, the rioters came before our house; they said, 'This is the house, No. 70, in the Minories.' The whole shop is open to the street; we had shut up just before the mob came. When they came, they said, 'This is the house; if you do not open the door, we will break into the house, and knock it down.' Several guns were fired into the air in the street; they began hammering against the shutters with pole-axes like hatchets; they broke the shutters through, and then forced them down. A young lad got in through the fan-light, and asked for arms; he received a sword and pistol, from without; he then advanced through the shop into the counting-house; he stood over Mr. Potts, my partner, with a pistol presented to his breast in one hand, and a cutlass in the other. He handed out arms at the fan-light; the knocking at the shutters increased; they broke the shutters and glass down; when they all got in, they kept handing arms into the street. There were above twenty people in the shop; they took thirty or forty guns, between forty and fifty pair of pistols, swords of different sorts, dirks, and pikes; more than three dozen swords; the pikes were long staves, with iron at the end. They took also four pounds of powder, and three or four bags of shot, and several flints. It was Dartford powder. They took two hundred weight of bullets and small shot. We had just time to close the shop before they came. They were about twenty-five minutes from the commencement to their departure. There was no personal violence offered, except, as I stated, to Mr. Potts. There were twelve or

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fourteen firings in the air of guns at different times, the guns were loaded to the muzzle with bits of stone, &c. One pistol burst, and blew a man's finger off. I kept my temper, for resistance was useless. I sent to the Tower for a score of men; I left it to the discretion of the officer what number. I think a dozen red coats would have done. I did not go to see if there was any attack on the Tower. I conceived they came to our house to procure arms; I do not know what they meant to do with them. I think if soldiers had been sent from the Tower, the whole of the people in the shop might easily have been taken. They could not get out without getting over a bench, and they might therefore easily have been made prisoners. It was a serious subject of alarm to us, and a serious injury. Our servants were then all absent at dinner."

The next witness called is Thomas Rea; he is a gun-maker in the Minories. He says, "My house is nearer Tower-hill than Brander and Potts's. On the 2d December, I saw persons coming in the Minories, and the people shutting up their shops; with the assistance of my servants, I locked my shop, and put up the shutters and bars. I went into the garret, and I saw a large mob opposite my door. They broke the bars and casement, and stripped the shop to a very considerable amount; muskets, fowling-pieces, swords, pikes, and every article we deal in. They got into the shop, and demolished three desks; they broke the windows of my parlour; seventy or eighty fowling-pieces, seventy or eighty pair of pistols, pocket and holster, twenty pikes, and about thirty swords of different sorts; Nothing else. I went upon the leads, and escaped to a neighbour's house just by. I do not sleep at my shop. Part of the house is let out to Mr. Hewson. I left the place as soon as they were in the house. Many of my arms were thrown down in the Minories, and

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picked up again, in about three quarters of an hour. There were troops there before I got back. An officer of police took a steel mounted gun, which was taken from my shop, to the police office. A brass carronade, a three pounder, was taken out of my shop. Prior to my coming back, the military came, and the arms were thrown away. The soldiers remained there all night until next day. The mob continued all night. The soldiers were there with their horses. The soldiers were keeping the people apart as much as possible; they remained to protect us. I lost three hundred weight of small shot, and one pound of powder. I cannot say that there were any bullets."

John Middleton, a stationer, says, "Mr. Beckwith's shop is a hundred yards from my house. I was at home at noon on the 4th of December; I saw many persons pass our house to go to Beckwith's, eighty or a hundred, the mob, the rest following the mob. I saw John Hooper; he is the only person now in Court that I recollect to have seen there; he wore a cockade in his hat of narrow ribbons of two or three colours; there was a flag also of three colours similar to this. My partner and I went into our balcony; we heard one or two shots fired; our house is nearer Newgate-street. They stationed themselves three or four minutes in front of our house, and seemed to be consulting. Hooper carried a stick in his hand, and appeared to have the direction of the mob. During this consultation, there was a great shout at Mr. Beckwith's house, upon which the persons consulting before my house returned to Mr. Beckwith's house. Hooper moved his stick in different directions, and pointed once to Beckwith's house, and went with the mob towards Beckwith's house; they remained there some minutes. When the flag was opposite to my house, I think Hooper took the flag for a minute; he was talking to the person who had the flag. After Beckwith's guns were taken, the mob passed our

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house again, charging and firing their pieces as they went along. There had been a shout at Beckwith's house before Hooper returned; they began to demolish Mr. Beckwith's house before Hooper got back there. I have no doubt of Hooper's person, nor of his being there.

Mr. Edward White says, "I was in a private parlour at the Mansion-house, when news was brought there that people were coming down Aldersgate-street. We were coming down Princes-street, and the mob were passing the end of it; the mob generally passed by the Royal Exchange, and went down Sweeting's-alley. I made my way through the body of the Royal Exchange; we rushed into the mob, and seized the flag, and the person who bore it; I assisted in taking him. I wrenched a double-barrelled gun from one person myself; there appeared a good many arms amongst them; two or three pistols were fired altogether. I seized a man. There was a pistol fired through the legs of the Lord Mayor and me, when we were shutting the gates. I went for the military myself. I saw no more of the mob; there was no tendency to violence after the military came; I found the military at the Light-Horse stables in Gray's-Inn-lane, about fifty lancers. I had no credentials, and had some difficulty in getting them. There was no attempt at resistance but by one man, who had the double-barrelled gun, whose collar I seized. The man with the flag struggled hard, and said, he had had it only a short time in his hand; the mob was not all dispersed when I left the Lord Mayor. I saw a man on horseback whom I thought of seizing, as he might be concerned in the mob, but, on consideration, I thought it best to go after soldiers, than to seize him; I thought he was addressing the mob. The Lord Mayor and I both thought it highly expedient to call in the military, blood having been drawn, and arms fired.

John Hodgetts says, "I was at the Royal Exchange

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about one o'clock on the 2d of December. There was a mob; there might be a hundred or a hundred and fifty in that particular part. I had seen a larger body previously before the Mansion-house; guns and pistols were fired. I saw the middle man there, Hooper, very active, and took him into the Royal Exchange; the Lord Mayor followed me; I searched his person, and found the butt-end of two pistols between his coat and great-coat; I took them from him, and delivered them to one of the Lord Mayor's officers" (who turned out to be Daniel Cartwright.) "I ascertained that one was loaded with ball; a bullet came out on knocking it on the ground."

Daniel Cartwright is called, and he says, "I received a brace of pistols from Mr. Hodgetts, one was loaded; I found it primed; I wiped the priming off, and took these three slugs out of one of the pistols."

On cross-examination he says, "He made no attempt to fire at me."

Then Richard Stephens is called, he says, "I received that brace of pistols from Daniel Cartwright."

Mr. Hodgetts is then again examined, and he says, "Hooper offered me no violence, he desired me to let him go; he said he would not run away; I stood by him till an officer came; I saw some flashes in the air; what I saw, was fired in the air; I retreated; I saw no gun or pistol levelled against any body; I was examined at the Mansion-house, and stated there as I have done here."

There was then called a person of the name of Heyward, as to whom there has been some question, he says, "I saw the mob on the 2d of December last, coming up Newgate-street towards the Bank; I followed them to the Minories, when the gunsmiths shops were broken open. On Tower Hill, I was observing the mob; I saw a person coming from them to Tower Hill; he had a sword and a cutlass; I recollect the man; I believe him to be the man in the

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blue jacket, (which is Thistlewood;) he was not in the same dress as now; he had a great coat on then, and top boots; he came towards the railing near the ditch of the Tower; he put his foot on the railing, flourished his sword, and said something to the soldiers on the ramparts; he offered to make the privates captains, and to double their pay if they would come and join them; I heard no more; I think the troops were coming; he put his cutlass or hanger under his coat, and went away towards Mark-lane; I had not observed that man before in the mob.

On his cross-examination, he says, "I am a stock-jobber; I was publisher of the Courier; I ceased to do three years ago to publish that paper; I swear to my having published it these two years. I went to Bowen Hill to look after the proceedings of the mob; I met them in Newgate-street; I ran and gave information at the Bank; I dare say I afterwards told my story to several people. The same day I told to Mr. Bent, at the Mitre, at Stangate, Lambeth, all that I have now told; there were two or three persons with him; there was nobody there but me, that I knew. There was no mob there at the time the address was made in front of the Tower; the mob was at the gunsmith's on the Hill. I was sent for by Mr. Litchfield last week; I had a note from him, with a subpœna; I mentioned this in casual conversation, not to any persons here; I never saw that man before; I have since. I had not seen Mr. Litchfield; he must have known of me by hearing what I had said. Thistlewood was in the room by himself, with a warder, when I went to the Tower; I mentioned this in private company. I did not know that Mr. Litchfield was trying to get information; I knew the Lord Mayor was sitting to get information; the mob was then in sight at Reid's shop, only three doors from Tower Hill. It occurred to me likewise, that he might have mentioned it to somebody else, and I asked him, and he

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said, "I mentioned it to Mr. Ensor of the Bank of England." This is a person whose credit they seek to impeach. It appears, that he gave the name of one person on cross-examination; and on my question of another person, to whom he had made the communication recently, after having gone to the Bank, to give the Bank information of what was going on; and he mentioned the office in which that person then was, the Cheque Office. If the testimony of this man was to be destroyed, it would have been much better to have called those persons to confront him, and to cut down his evidence; but neither Bent nor Ensor are called to contradict him, and therefore we must take for granted that he did make those communications of which he has spoken, namely, to Bent and to Ensor. No contradiction being offered on those parts of his evidence, on which it might, if there was ground for it.

Then Thomas Edmonds is called, he says, "I was on duty at the Tower on Monday the 2d of December; I heard the alarm of the approach of the mob; I looked towards the Minories; a person addressed the soldiers, and said, 'Open the gates, we will give you a hundred guineas.' I received orders to go on the parade; I quitted, and heard no more of it. I was going along the ramparts inside of the Tower, betwixt the two great bastions; the person called out 'Soldiers;' I only was there; another man was further on; the walls of the parapet are about four feet high in the inside; the man stood within the rails; there were no trees there; I could be seen a foot and half above the parapet; the other soldier was before me; I went as fast as I could go; my comrade was before me. I went on parade then; I mentioned what I had heard to all standing round; I do not remember any body coming to the Tower to ask for military assistance."

In addition to Heyward and Edmonds, there is another person of the name of Darlington called; he says, "I was

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a private of the Coldstream; I was on the ramparts of the Tower on the second of December; I heard the alarm of the mob coming; I saw a man, with a drawn sword, at the edge of the ditch; when first I saw him, he was walking; he said "Open the gates, soldiers, and every one of you shall have a hundred guineas bounty, and double pay." He did not take the soldiers to be his enemies, but his friends; they had been fighting for the rights of their country, but could not have them; I was going to parade, and I heard no more. Edmunds was not with me. There was a sentry beside me; I do not know who was sentry on the post. I ran to get my sword to go to parade. I went into the Tower on the twenty-fifth of February before that. When I went to the parade after this speech, Captain Bentinck was the adjutant, I think, on the parade; I mentioned it to the non-commissioned officers, who reported it to the serjeant-major. I do not know who the man was; a mob of boys, thirty or forty, were round him when he was speaking from the ditch, there might be a great number."—To be sure, if this man did not speak the truth, they might have called the non-commissioned officers and the serjeant-major, who were on the parade, to have contradicted that statement, that he had so reported it. This finished the evidence on this day.

On the third day, Charles Miell is called; he says, "I am one of the horse-patrole of Bow-street; I was on duty on the second of December near Highgate; I saw three men walking, about eleven at night, going towards Finchley; I saw them against the church at Highgate; they passed me; two watchmen were standing against the church-railing; Watson, the prisoner, passed me on the right hand; some information led me to observe them; I turned my horse's head, and desired the watchmen to come with me; I thought the three men appeared confused; I turned my horse's head, and got rather before them; I rode up to

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the prisoner, who was the front man, and asked where they were travelling to; the prisoner said, to Northampton; I said, it was a late hour to travel so near town, it was near eleven. I said, I was a horse-patrole of Bow-street; the prisoner took a bundle from under his left arm and held it towards me; instead of my taking it with my left hand, I passed my hand beyond it, put my hand into the breast of his coat, and laid hold of a pistol; I drew it out, and said, if he offered to move, I would blow his brains out. One of the two watchmen was close to me; I told that watchman to secure the other two; the watchman ran back and sprung his rattle. The other two who were with the prisoner, each drew a pistol, and one pulled the trigger; both pistols were pointed towards me; the powder did not catch; the two ran away. Four or five people came from the Red-lion public-house; hearing me call, "stop thief," they said, 'Why don't you go after them?' I said, 'I have a prisoner.' They said 'Leave him with us.' I left him with them, on the landlady's assuring me I might. I proceeded after the other two for two or three hundred yards; I heard a scuffle, upon which I went back; I found the prisoner and the two men with whom he was left scuffling on the ground. At this moment people came from the public-house; one of the pistols went off; I got off my horse and secured the prisoner; I saw something bright, and perceived the prisoner had a dirk in his hand, and one of the young men was trying to wrench it from him. I took him into the public-house; I instantly searched him, and found some papers on him. That is the pistol I took from the prisoner. These papers I took from the prisoner; I marked them before I parted with the possession of them. I asked him his name, he said, his name would be well known at Bow-street; he did not tell me his name; I said nothing more to him at the public house. I conveyed him immediately to Somer's-town watch-house; he said, he had been in the

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city; that he had been at the Spa-fields meeting, and towards the Tower; he said, he had not been in Skinner-street; he had been through East Smithfield, and away down to the Tower; he said nothing more about the Tower. I examined the pistol I took; it was loaded with powder and ball. He said over-night, that it was a very unfortunate thing that he had a pistol in his breast, which had been observed; I had not observed it, but had supposed there might be a pistol from the information I had received; I apprehended him from finding the pistol. I told him, I had detained him on suspicion of his being one of the characters that I had heard of the week before; he asked what characters; I said footpads, he did not seem to know what footpads were. I gave evidence before a magistrate, and before the grand jury; not at the Old Bailey; the magistrate was Sir Nathaniel Conant. The prisoner said what I have mentioned, and nothing more; that was all he said about being at the Tower; nothing about the time he was at the Tower, or in East Smithfield. I asked him his name when he was in custody at the public house, and again when he was going down the hill. He knew I was going to take him to Bow-street, and then he said his name would be well known at Bow-street."

These papers, Gentlemen, you recollect were found on the evening of the 2d of December, on the person of the prisoner Watson. There is first of all, "one headed Committ P. S." It is made a question what those letters mean; you will consider whether after what has been given in evidence, there is any doubt what those letters mean. The names are, Sir F. Burdett, Lord Cochrane, Mr. A. Thistlewood, Mr. J. Watson, Mr. Gale Jones, Major Cartwright, Mr. T. Evans, H. Hunt, Esquire, Mr. Hardy, Mr. B. O'Connor, and Mr. Blandford; and there is a duplicate of the same paper. This one should suppose was an intended committee, or more probably names put down

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to hold out the appearance to others of its being to be appointed.

The next is a Paper, on the importance of which, many observations have been made to you; "Smith's, Westminster Road." Westminster Road, I think, was the place where it was stated by Castle, Maudsley's men were to meet, "collect and meet, form three divisions at London Bridge, and proceed to the Old Man;" now the Old Man has had an explanation given to it, as a name for the Tower. There are three divisions—this imports certainly some kind of military arrangement and order of those persons, to assemble in three divisions, and proceed to the Tower. That the Tower was not out of contemplation of the framer of this paper appears, for there is a mention on another paper, of the Tower by name. Then there is "Smith, Westminster Road, form three divisions, collect numbers, and meet at London Bridge, where will be met and lead to the Old Man."—This paper contemplates on the part of the writer, a meeting by those persons in Westminster Road, and a going on from thence to the Tower. Then "Paddington, to proceed to St. Giles' near the top, barricade each side to Holborn Bars, branch off to T. B.;" that may be to Temple Bar. "Chancery-lane, Carey-street. Then St. Giles's-street in Holborn; broad part of Holborn Bars, Chancery-lane; 2, Carey-street, Temple Bar; 3, Theobalds Road, Gray's-Inn-lane, Elm-street; 4, St. John-street, Old-street Road; 5, Whitechapel; 6, Tower; 7, Bank; 8, Poultry."—One may collect from this, a kind of portioning and distributing of divisions of the persons collected; many of these words are abbreviations, but the person who had this in his pocket, and is found with it, is a person who can give, if any person can give an intelligible explanation of it, and if any person can give an innocent explanation of it, he can do so; and provided "barrcde," did not mean barricade, and that "the

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old man," did not mean the Tower, all this would be capable of explanation by the man to whom the document belonged, and you would naturally seek the information from that source. This paper which he had in his pocket, seems to have a reference to some kind of barricade, and persons being stationed near the places which are there mentioned. If the person on whose person it is found, does not give any explanation, and leaves it unexplained by him, such explanation may be given to it from any other parts of the evidence which furnishes such explanation with a reasonable appearance of probability. Now from beginning to end, the learned counsel for the prisoner have offered no explanation of the contents of this paper; they have suggested, that this might have been conveyed into his pocket by Castle, why so? how should Castle without a spirit of prophecy, have thought of such a thing, without at the same time foreseeing the event of the prisoner's being taken afterwards, and his pockets searched, and this paper found there; without anticipating these circumstances it would have answered no purpose to have conveyed it into his pocket. There appears, therefore, to be no rational explanation of the circumstance of its being found in his pocket where it was found, otherwise than by supposing him conusant of the contents; and if the contents are innocent, if they have no mischievous meaning, as referring to any force collected and stationed in different parts of the metropolis, or to any plan meditated against the Bank or the Tower, that might have been distinctly shown; but taking it independently of any other evidence but the paper itself found upon him, without combining it with any person's evidence, you will consider whether it is open to the comments which have been made upon it, when found at such a moment. If the other evidence is considered in connection with it, it will be found to have been stated, that he was himself talking about the Tower; you

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recollect that he is lamenting at the public house in East Smithfield, kept by a woman of the name of Wright, that they had not been early enough or forward enough, or they might have been *in possession of the Tower long ago*; that is what passed on the afternoon of the second of December, and it seems to cast a strong probability on the explanation which is here given of this word as referring to the Tower.

A Juryman. May we be indulged, my Lord, with a sight of the paper again?

Lord Ellenborough. Oh, certainly, Gentlemen, but perhaps it had better be deferred for the present; you shall see every paper.

There is another, which is a letter addressed by some person to Preston, which is in these words; "Sir, having understood that you want somebody to deliver out bills, I should be happy to do it; and a friend in distress as well as myself would be glad to make one too; having had the pleasure of seeing you at the Red-hart, Shoe-lane, if you will have the goodness to call at the Red-hart to night, or let me know where I can see you, I shall esteem it a favour; being very much in distress and not knowing where to get a shilling towards my support. If you will have the goodness to give me a job, I shall esteem it a particular favour." This is a letter canvassing for employment in the delivering out of bills.

A Juryman. A printer, I take it.

Lord Ellenborough. No, it was a person wishing for employment to deliver out bills.

Another Juryman. So I understood, my Lord.

Lord Ellenborough. Most probably the hand-bills.

The next witness is the one who has been the subject of so much comment and observation, John Castle. He says, I know the prisoner perfectly well; I know also Watson, his son, and Thistlewood, and Preston and

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Hooper, all perfectly well. I knew John Hooper first. I have known him about two years. I became acquainted with the prisoner in October last, three weeks or a month before the 15th of November, the first meeting in Spa-fields. I had seen him at the Cock in Grafton-street, having been frequently there before. A society called the Spenceans met there. I first saw him there, before I became acquainted with him. Mr. Watson said, it was an easy matter to upset Government, if it was handled in a proper manner. This was said at the Cock in Grafton-street. He appointed that night for me to meet him at the Mulberry-tree in Moorfields; a society of the same kind met there as at the Cock, a Spencean society. On the first night at the Cock I met Preston; also the same night, that is, the night that the conversation took place about upsetting the Government. Preston the same night called me down stairs, and desired me to meet him at another society of Spenceans, at a house near Fleet-market. I asked for what purpose; he was one of the committee, and they were petitioning Parliament to do away machinery. Something also passed about the meeting at the Mulberry-tree. I told him I had promised to meet them there. I met them at the Mulberry-tree next night, both of them, the two Watsons, Preston, Hooper, Thistlewood, the two Evans, father and son, and John Harrison, and other persons whom I did not know. I walked away with the elder Watson when the meeting broke up; he had the same conversation with me as before renewed, that it was an easy thing to upset the Government, conditionally, if it was handled as it ought to be. I asked him, which way? He said, if a few good fellows got together it would be very easily done. He told me he had drawn a plan of an instrument, which would prevent the cavalry coming upon the people; that they had got several people they had solicited, and a committee sitting to devise the best mode and plan. There was more con-

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versation of the same kind. He asked me where I lived; I said, at N° 5, Newton-street, Holborn; he said he would call next morning, and shew me the plan. There was nothing more particular passed; we parted for the night; he called on me the day but one after, which was the Saturday morning; he had called, as I understood, on Friday, but I did not see him. My wife went out on the Saturday when he called; I desired her to go out; he was about an hour with me; he produced a plan of several parts of the Tower, and of a machine to obstruct cavalry, on four wheels, with knives like scythes on each side, and spikes in front; the scythes were very sharp. He wished me to exert myself as much as I could, and get as many people as I could together. He produced other drawings of different entrances to the Tower, of avenues out of it, and several other drawings. He asked me how many I could bring? I said, I knew a great many men, but did not know whether they would act when brought to the test. I said, I had nothing but my work to live on; he said, never mind that, they wanted me for something better than that, they had sufficient money for every thing. I made an appointment for next morning; I think I met him that evening; I have met Preston and him several times, and cannot say whether I met him that night or not; I met the elder Watson at eleven o'clock next Sunday, at one Newton's; not much conversation passed then, there being other people there. Watson told me, in coming down Drury-lane, that they had a committee of five, Harrison, Thistlewood, my son, and himself; that I should be made one of the generals, and head a party of pike-men and other men, and I might consider myself as one of the committee from that time; that they would take in no more; that I should be the sixth. I made an appointment that night to meet him at the Nag's-head, Carnaby-market; we met at the Nag's-head; Keenes the younger, and the elder Watson, Thistle-

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wood, Preston and the two Evans's; nothing particular passed; I met him the Tuesday morning after; I went to Portman-street and King-street Barracks, and a small powder magazine in Hyde-park; I went past it."—Now, if he had not been to places where Harrison and Keenes are mentioned to have been, they might have been called to contradict him, and here is a person whom he states to have been present, who is called one Skinner, and who is not examined to contradict him.—"I believe I had seen him once or twice before at the Spencean meetings; I had conversation with him before; we were to look at the whole of the avenues to see which was the best place to set fire to. Skinner left us in the Park; Watson then said that he thought Skinner had been a cleverer man than he was, he meant to have made him an officer, but found him not at all calculated, he had no ideas whatever. I met him and his son at Newton's; I did not know his son till after; this was in the morning, I think on a Wednesday; the meeting was at the Cock, in the evening; a Spencean meeting. I was introduced to Thistlewood that day or the day following, by John Harrison, two or three strangers were present. Harrison, whom I mentioned as being of the committee, was there; we outstaid the strangers. A conversation," without stating the conversation, "took place with Thistlewood after the strangers were gone, this was at Newton's, we had ale. Thistlewood asked how long it would take and what money it would take to make a few hundred pikes; I told him it depended on the size, the length, and the sort of materials. I asked the length and size, he said nine or ten inches, and marked the length with his pencil. I said they would cost about four-pence or four-pence half-penny a pound; he then wished me to make one for him as a pattern to look at; I promised I would, but I said I had no place to make them in. Harrison said he knew a person who he thought would lend me one of his forges to

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make a pattern; I was to make one, and meet them at the Cock in the evening, and to bring the pike to the public house almost opposite to Newton's, belonging to one Randall, or some such person; whether the name was Randall or Raisdell, I cannot say. I met Thistlewood, the two Watsons, Hooper, and Harrison. I had not made the pike, but got one made. Hooper and Harrison went with me to Bentley's, who had a shop in a cellar in Hart-street, Covent-garden; I am not certain that was the place. I asked Bentley to let me use his forge, and make spikes to put round a rabbit warren or a fish-pond, I am not certain which I told him. Bentley asked the size; he would not let me make it as I offered to do, he made it whilst I stayed. Harrison and Hooper stayed whilst it was made, and we came away together; at Raisdell's or Randall's, I met the two Watsons, Thistlewood, Harrison, and Hooper; Preston was not there; I produced the pike. Watson the prisoner, who was called Doctor Watson, said it was a famous instrument. Nothing very particular passed. We met afterwards at the Cock; the Doctor then wrote the name of the house, No. 9, Greystoke-place, where the committee met, on a paper. I went to Paddington with Thistlewood amongst the navigators, to see how many people out of employ we could get together and the spirit of them; we went to different public houses; we found navigators, and Thistlewood treated them with beer; we had seen them two nights before; they said they were out of employ, and if there was a good row, they would sooner die than be starved to death. We told them we should want them for a job in a little time, and asked how many they could collect in a short time; they said five or six hundred, any morning there were so many out of employ; we treated them with beer and came away. We went to a public house in Long-acre, which the soldiers used who attended the theatre; there were eight or ten soldiers, there at one time.

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Thistlewood gave them half a gallon of beer; Thistlewood asked how they were treated by their officers, and what their pay was. He went then to a public house in Vinegar-yard, and found several soldiers there who attended Drury-lane Theatre; we had similar conversation with them, and Thistlewood treated them also with beer; I think that was a gallon. A soldier there spoke rather violent against Government, as to their being discharged without pensions after fighting so many years for their country. Thistlewood gave me two three shilling pieces before we parted, and invited me to go to the different houses and collect all the people I could together, and to meet him next day, I think, at Newton's. I met Thistlewood, Watson the prisoner, and Harrison; our conversation was about going from house to house and seeing what people we could collect. Thistlewood and I went to the Fox-under-the-hill, where we found coal-heavers and porters who empty the barges; people who work on the river; there might be ten or twenty out of employ; we gave them beer; they said, there were fifty or sixty standing in a morning at almost every avenue of the different wharfs or stairs. Thistlewood found the money. We came then, I think, towards the Cock; I went, by his desire, to several other places, to see who were out of employ; if I found any body more violent than the rest, to communicate his name to Thistlewood. I made an appointment for Thursday or Friday morning, at eleven o'clock, at Greystoke-place, Fetter-lane; I went there at the time appointed; I found the house shut up. I saw Thistlewood walking on the other side of the street; he called me over to him, and said the Doctor had not come, yet he had got the key; that he was always behind his time. We waited twenty minutes. Watson came, and opened the door, and we went in. In a few minutes Preston and young Watson came. I did not know before, that he was his

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son. We conversed about the soldiers, about the best mode of setting fire to the barracks, and of getting people together. The pike Bentley had made, was produced there. Thistlewood said it was a very famous weapon, and he ordered me to get two hundred and fifty made immediately by Bentley. It was a matter of consultation amongst the five. All the committee were there but Harrison. Doctor Watson and I told Thistlewood that we had been together, and had thoroughly inspected the Portman-street barracks and the King-street barracks. Thistlewood and young Watson both said they had been at those barracks before. They said so at that meeting, and that they had observed the avenues; that there were six avenues to King-street, and only two to Portman-street barracks. The object of our going there was, upon seeing the avenues, to judge what combustibles would be wanting to set fire to each, and prevent the soldiers coming out with their horses. We appointed a general meeting of the six for Sunday; we met on Sunday, all the six. I had paid Bentley ten shillings in advance, for iron for pikes."—Bentley, it should be observed here, confirms this fact in his evidence, that he had been paid ten shillings before for the iron.—"They were to be made as soon as possible; Thistlewood asked Harrison or me where he could get handles for the pikes; Harrison said there was a place behind the King's Bench prison, where they might be got, Harrison said, for three-pence or four-pence a-piece, but it depended on the length of them."—Now in respect to this, as well as all the other numerous places in which Harrison's name is mentioned, Harrison might have been called to contradict this, if no such conversation had passed, nor such transaction had happened.—"At a meeting privately in Greystoke-place, on Sunday morning, some boxes, or a large box was fetched down, because there were no tables or chairs; the room was searched, to see that nobody

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could overhear. Thistlewood produced a map of London. This was about twelve days before the first meeting in Spa-fields. About the third of November, I marked out which was the best road to take the men who should be collected, to attack the different barracks. The first arrangement was to appoint the whole of the committee generals, to attack the barracks at the same moment. Watson proposed Thistlewood as head general, he finding the whole of the money; he and the younger Watson were to take the two field-pieces from the artillery-ground in Gray's-inn-lane. Preston was to attack the Tower; Harrison the artillery barracks, John's Wood barracks, by the Regent's Park. Harrison said he had been an artillery-man; he said so in their presence. I was to set fire to the King-street barracks, and either to take prisoners, or kill all that might escape. I was to have all such people as I could get; navigators, &c. armed with pikes and different weapons we could get. The elder Watson was to set fire to Portman-street barracks, with pitch, tar, rosin, spirits of wine, and sulphur. We were to attack the whole of the places at one o'clock in the morning, on a Sunday. We were to take the horses out of the carriages, and those who could ride were to form cavalry, and barricade with the carriages. After I had set fire to King-street barracks, we were to meet the elder Watson at the top of Oxford-street. Harrison was to join us with the artillery from the Regent's Park. As soon as he had joined, a volley was to be fired, to let the remainder know we had got possession of the artillery. Two field-pieces were to be taken into the Park, to fire on the cavalry, if they attempted to come from Knightsbridge barracks. The guns were to be protected by a parcel of pikemen, to be left there. We were to barricade the avenues about Portman-street, to prevent the horse coming who might be out of quarters; we were

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to go down Park-lane to barricade the different gates to prevent any body coming from the park into Park-lane; the Piccadilly gate, at Hyde Park corner, was to be fastened and chained, and a party left to fire on the horse, if they should come. We were to proceed to Charing-cross and Westminster bridge, and barricade the avenues to prevent the horse coming round from Chelsea. When Thistlewood and the younger Watson had got guns at Gray's-inn-lane, they were to attack the oil shops and gunsmiths shops for combustibles and arms, and blockade from Gray's-inn-lane to St. Giles's (all those places are referred to in the other evidence) where Thistlewood was to make his grand stand. One gun was to be pointed up Oxford-road, and the other up Tottenham-court-road. Preston was to attack the Tower, and the younger Watson was to have gone up Oxford-road, and barricaded all the avenues to the right, and then they would be all barricaded to the right and left. If Preston did not succeed at the Tower, he was to barricade London bridge, to prevent the artillery coming from Woolwich; he was then to barricade Whitechapel, to prevent troops coming from the country that way; and when he had got sufficient force he was to meet the main body at "the Old Lady," (a cant name for the Bank) and "the Old Man," he says was a cant name for the Tower. After this arrangement was made, Thistlewood desired Doctor Watson to calculate how much the combustibles would come to, and how much it would take for every avenue of the barracks. Doctor Watson said it would come to something short of a hundred pounds; the papers were destroyed when done with. Thistlewood bid him not spare for twenty pounds, but roast them well. Doctor Watson said the flame would be so rapid and stench so strong, that it would stifle them in a few minutes. Young Watson and I were appointed to look out for a house to lodge combustibles and arms in; we were to take it as for a

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trade, for an oil and colour shop, so that there should be no suspicion on taking in combustibles. Thistlewood said, Take it at any price, as we do not intend to pay for it. Thistlewood ordered us to go about the house in the morning, and the Doctor to purchase the combustibles. the attack on the barracks was to be on Saturday night or Sunday morning following, between the ninth and tenth of November. I was to go to the shop as young Watson's servant"—that was to be a mask—" we were to lodge those ingredients there, and to get men to bore holes in the handles to fasten the pikes on the handles; it was fixed who was to have the command. Thistlewood was to be first in command—old Watson second—Harrison third—Watson proposed me for fourth—young Watson fifth, and Preston, as he was lame, to be the last. It was then arranged that they should appoint a committee of public safety. Thistlewood proposed it to be called together after we got the better of the soldiers, or the soldiers had joined us; that is, if we succeeded. The greatest part of the names were mentioned by the elder Watson and Thistlewood. I think twenty-four were mentioned that day."—The nomination of a committee of public safety is certainly confirmed by the paper found on the prisoner, headed Committ. P. S.—" I recollect a few of the names—Sir Francis Burdett, the Lord Mayor, Lord Cochrane, Mr. Hunt, Major Cartwright, Gale Jones, Roger O'Connor, one Squire Fawkes of Barnborough Grange in Yorkshire, Samuel Brooks, Thompson of Holborn-bridge, the two Evans, Watson, and Thistlewood. A proclamation was to be issued as soon as we had got the better, that a new government was to be established, and a bounty of a hundred guineas for the soldiers, or double pay for life, which they pleased, if they joined us. Thistlewood desired Watson to calculate what it would amount to if they took the hundred guineas; he calculated,

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it at about two millions, which he said was nothing comparable to the national debt, which would be wiped off. Harrison said he was afraid that when we called the people together we should not find so many as was expected; the answer by Thistlewood was, that if we could get three or four hundred together he was determined to act, and would not wait longer than Saturday night or Sunday morning following. We remained together from eleven o'clock in the morning till five or six in the evening of Sunday"—which probably was Sunday the third of November—"it was agreed that we should see how many men we could each of us get together to be reported to Thistlewood. Thistlewood and I went to Paddington, to the public houses we had been at before; we found several navigators there; nearly the same conversation passed as before, that we wished them to get men together, as they would be wanted in a few days. A young man was violent, and Thistlewood bade him bring nails at the end of sticks, or spike nails, or any thing to run into a fellow's guts. Thistlewood and I went to three houses about Paddington, one of them was at the corner of Lisson-street or Lisson-green, I believe; we were to give our different reports. On the Monday morning, young Watson and the elder Watson and I met at Randall's or Raisdell's, in Long-acre. Young Watson and I found an empty house, that we thought would answer, by Seymour-place; a woman shewed it us."—Now, Gentlemen, this is very material; "A woman shewed it us, she referred us to a timber-merchant, who lived near this place, lower down on the left hand side, a Mr. Cosser; young Watson went in, I stopped on the outside; he said, Mr. Cosser had said there was fourteen or fifteen pounds worth of fixtures, and that he had given Thistlewood's name as a referee, in Southampton-buildings. Young Watson and I then went to N° 9, Grey stoke-place, and met the whole of the committee, and

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reported what we had done; Thistlewood said he would attend when Mr. Cosser called. Cosser had said he could not call for a day or two, and Thistlewood said if Watson wanted the fourteen or fifteen pounds down for the fixtures he was to draw on him. Preston reported what a number of people he had had at a meeting in Spital-fields; he wished as many of us as could, to meet there that evening; the whole six of us, and Hooper, who was not then of the committee, went. It was rear or in Spital-fields; there were sixty or seventy, which was more than the room could well hold; one John Dyall appeared as chairman; the elder Watson read something in the form of a petition to the Prince Regent, or the Parliament, I do not know which. We all came away together; Thistlewood said the only outcry of the people was want of arms. Thistlewood ordered me to get two hundred and fifty more pikes made. I went two nights after to a different house in or near Spital-fields; at the former meeting there were five other houses appointed, and old Watson promised that the petition should be printed, and one left at each of the houses. We went to a different house somewhere above Brick-lane, twelve or fourteen people met; Dyall was in the chair, and read the petition, there not having been time to get it printed. Watson employed one Crisp to write three copies; he wrote part at the Cock, in Grafton-street; only two of our committee were there, Harrison and I, and Hooper who had not joined the committee; the remainder of the committee were gone to different houses. I joined Thistlewood at the house where I was the former evening; I went with Harrison and Hooper, who knew the way; Harrison, Hooper and I walked together; on our return Thistlewood disapproved of the smallness of the meeting; Harrison said they had not got money to pay for drink; we had paid for ourselves; Harrison said, he thought they would be disappointed, when they came to call them together, that if

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they kept treating them with liquor, they would have half Spital-fields come. On Friday the whole committee met at Greystoke-place; Thistlewood told us, that Mr. Cosser had called on him about the house; he did not know whether he would let him have it, but he desired young Watson to get the key, to put in the ingredients; he then bade him go to Mr. Cosser, and to draw on him a check at eight or ten days, for the money required for the house; young Watson reported in the evening, that Cosser doubted about letting him have it, without paying a quarter's rent in advance; and intimated that he did not think the situation would suit the business; we did not proceed in taking the house. On the Sunday after, the whole committee met again in Greystoke-place; Harrison then made proposals to call a public meeting, to see how many they could collect who would join them; this was unanimously agreed to, and Spa-fields was agreed on as the place. Young Watson and Thistlewood went out to look at the ground; they returned, and reported that it was a very famous place, being so near the Tower and the Bank, that they could get into town, and take them by surprise. Thistlewood said, Now let us draw up placards to be stuck up, and hand-bills to be distributed about. Places were mentioned, the Borough, Spitalfields, Petty France, amongst all the working people, one day going in one direction, and another day in another; the paper was read and approved of, and it was determined that it should be advertised, I think, in The Statesman news-paper, and that five hundred small, and two hundred and fifty large, should be printed off immediately. The elder Watson undertook to get them printed by a printer in Fetter-lane or Gray's-inn-lane, with whom he had formerly lodged; he came back, and said the printer wants a one-pound note to go on with to purchase paper; Thistlewood gave him a ten pound note, he was to give me enough out of

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it to pay for the printing and the pikes; this was on Sunday the 10th of November. Thistlewood asked, who would undertake to get a waggon to speak from; I undertook to get one; I said, I thought it might be obtained for forty or fifty shillings. Thistlewood said they would have a flag, green, red, and white, and that his wife should make it; he asked the Doctor what would be the best motto to put on it, the Doctor wrote out on a paper, Nature, Truth, and Justice; the same motto we afterwards had at Spa-fields; I was appointed to carry the flag, being the strongest. I was desired by Thistlewood to get, at Paddington, half a dozen navigators to carry placards about pasted on pasteboard; I went that Sunday night to Paddington, and appointed navigators for the purpose. I was appointed by the two Watsons to meet at a coffee shop in Kingsgate-street, Holborn, the next morning, to receive money from the elder Watson to pay for the pikes, and to buy some nail-bags to bring them away. I met the two Watsons next morning; the elder Watson gave his son five one-pound notes, to go with me to Bentley's; young Watson went to purchase nail-bags, while I went to Bentley's to get the bill made out; Bentley had made about two hundred and fifty; he made out the bill; I went to his house first; Bentley and I went to a wine vault, and there young Watson came in, and produced the nail-bag; the wine vault is the corner of a court leading out of Hart-street into Long-acre, called, I think, Leg-alley. Bentley produced his bill, and I paid him; young Watson gave me the money in the presence of Bentley, and I paid Bentley; I think three pounds fifteen shillings was paid there, after giving me credit for the one pound paid before. We three then went into Bentley's cellar where the pikes were, and all three assisted in putting them into bags, and young Watson and I carried them to Hyde-street, Bloomsbury, where both the Watsons lodged; the pike

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heads were deposited under what looked like a sofa-bed or bedstead. We then went to the committee in Greystoke-place; I produced the bill and receipt from Bentley to Thistlewood; he desired me to destroy it, which I did in his presence. I and young Watson informed him we had got the pikes; the elder Watson and I went to the printer for the bills; I afterwards saw him with the elder Watson; he said he had been at some office to make enquiries, whether it was legal to print them or not; the printer lives two or three doors from Fleet-street, the back door of the house leads into a court; I went in at the back door; the printer's name was Storer; he said he had once before got into a scrape; he said he had near two hundred finished, but he should destroy them; he produced several bills printed, but would not let them go out of his hand. Young Watson joined us; we wanted him to cut his name off; he refused, and said, he would destroy what he had printed; we went to a public house whilst he considered whether he would let us have them. Watson returned, and brought away the paper prepared for the printing; I carried the paper to Greystoke-place; we both of us reported to the committee, that we had not got them printed. Then it was resolved, that Watson the elder should go to Seale, a printer in Tottenham-court-road, to get two hundred and fifty printed off immediately, if he paid an extra price for them. He went, and returned and reported that there should be two hundred and fifty ready next morning by eight o'clock. This was Monday the eleventh, the Monday before the meeting. Watson the elder reported, that he had got a man to stick up the smaller at two shillings and sixpence the hundred, and the larger at four shillings or four and sixpence. Sir Francis Burdett and Mr. Hunt were to be invited to attend the meeting; a letter was written by the elder Watson to those gentlemen, and sent away. An advertisement was written

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by the elder Watson for the Statesman, I believe it was, to which it was sent, with seven or eight shillings from Thistlewood, to get it put in immediately. At the first paper to which it was sent, (I believe the Times) it was refused; all were present at this time, I was to get the navigators together the next morning, to distribute hand bills amongst the manufacturers and soldiers, and exhibit placards on their backs. I, Harrison and Preston, were to follow the men to see they stuck up the papers and distributed them properly; I appointed the navigators accordingly, for Tuesday the 12th; I went to the Cock in the morning; the bills were not come from Seale's; I went to Seale's, and Hooper with me; we took the placards and bills to the Cock. The six Paddington navigators came according as I appointed them; I treated them with bread, cheese and porter; the whole of the committee was there. Thistlewood sent out to purchase pasteboard and string to tie on their backs, and we sent out the men with the placards, one by one, as fast as they were ready; directions were given to the men with the placards, to walk very slow in the populous parts, among the lower orders of the people, and to let the people read when a crowd gathered round them, and to deliver small bills out, but not to be extravagant with them; to deliver them to soldiers and the lower orders of people, and any body out of employ; and to deliver them at the different factories; one shilling was given to each of them, and they were to have another shilling when they returned in the evening; the three I was to pay, were to return to the Cock, in Grafton-street, in the evening, to receive pay, and orders for next day; the elder Watson brought some bills and placards from Seale's; Hooper went part of the way with me; they stuck them up at different public houses, where they would let them; this is one of the small bills, the large one is in the same words."—The large bill was that which has been

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produced to you; this I have read before: "At a meeting of the distressed manufacturers, and so on." I will not trouble you with it again:—"Hooper and I went by Charing-cross; he said he had stuck up one on the pedestal of king Charles, which I afterwards saw there; he told me that he was interrupted by the man attending the coaches, who said he could get twenty shillings for his getting over, for some penalty. All the committee met in the afternoon of Tuesday, at the Cock, in Grafton-street; the next morning, Wednesday, I went to the Cock again, the navigators came there then; the committee was appointed to meet that evening in Greystoke-place; we did not all meet, in consequence of a quarrel between young Watson and Harrison. Young Watson reported the quarrel, all were present but Harrison; young Watson said to Harrison, "if we had not known you well, I should have thought you a marplot." Harrison said, "that if they did not mind, he, young Watson, was so violent, he would bring himself and all the others into trouble, and he would have nothing more to do with them." So young Watson reported; this threw the whole of us into a state of alarm; we resolved to meet at another place, though we thought he would not deceive us, and disclose the plan. We then agreed to meet again late in the evening; Thistlewood desired me to call in the mean time on Harrison, to know why he had withdrawn; we appointed Hooper on the committee in Harrison's place; we appointed the committee to meet that night at the Blue-last, in Salisbury-square, Fleet-street; I was to bring Hooper with me. I went to Harrison, and reported what passed between him and me; I told him young Watson had reported that he had withdrawn himself, and I wished to know the reason. He said he had, and wished me to do so; he said young Watson was so violent, he would get himself and every body else into trouble. Harrison said he would have

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nothing more to do with us, neither would he attend the Spa-fields meeting.—I went to the Cock, in Grafton-street, on leaving Harrison, and there met Hooper, and told him he was chosen on the committee in Harrison's place. He wanted to know the reason, I told him that Harrison and young Watson had had a quarrel, and Harrison had turned traitor; Hooper said he would not believe it. Harrison came, and Hooper told him he heard he had turned traitor, and that he would not believe it; I said I had not called him traitor, but young Watson had called him a marplot. Harrison said he had withdrawn, and should not attend the committee any more, nor the meeting. Hooper and I went to the Blue-last, where the meeting was appointed; all came in after I got there. We stopped there some time, but went away, there being no private room there; we went to No. 9, Greystoke-place, went into a two pair of stairs back room, to which there was no window, all six were there with Hooper; he was told he was elected in the room of Harrison, who had withdrawn, and the whole plan was explained to him, the plan for next Friday; the plan about the barracks was at that time done away with, because we could not get the house. The plan for Friday, the 15th, was, that the elder and younger Watson, and Preston, were to address the mob from the waggon to be there about twelve, before Hunt came. Hunt was to be there at one o'clock; and if Thistlewood saw the spirit of the people ripe to act, that we, the committee of six, were to jump from the waggon and head the mob into the town; six cockades, one for each, and a flag, were to be prepared. Thistlewood said, if the mob called for weapons, we were to tell them we would soon find them weapons from the different gunsmiths shops; it was mentioned, that there was scarce a gunsmith's shop in London which had not been inspected, to see what arms there were there, and the situation in which they stood, so as to go

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directly to them. I cannot say whether the elder Watson or Thistlewood mentioned that, but it was one or the other; it was said, that when arms were got, they expected to go down to the Tower, and to take it by surprise. The Bank and Tower were mentioned; if the Bank was taken, it was stated then how we should proceed; we were to get all that we could on the top of the Bank, to throw things from thence, to bring out the books, and, if the soldiers came, we were to burn the books, and do away with the national debt. Our committee met on Thursday the 14th, the day before the first meeting, all six met; Hooper was one, Harrison having completely withdrawn himself. The remainder of the bills were brought from Seale's, and bills and placards were sent out on Thursday morning as before; five of us only were there; Preston came to fetch his bills, and went away to another place. In the evening, our committee met again, I cannot say where, but I think in Greystoke-place; Thistlewood and Watson senior said they had seen Hunt at Bouverie-street hotel, and that he had made some objections to the petition to be read to the people, and wished to have one of his own; they reported farther, that Hunt had had a letter from Sir Francis Burdett, that his son was ill at Brighton, and he could not attend. We agreed to meet next morning at a public house near Whitefriars, called the Lincolnshire house; I was to call at Thistlewood's to get the colours and cockades, I was to procure a staff. When the committee broke up, Thistlewood and I went to some houses, to the Nag's Head, Carnaby-market, and distributed bills, and invited as many to come as we could; we distributed bills too for the meeting next day, amongst the soldiers by the theatre; beer was given by Thistlewood at those houses. We never went to any place where mechanics were out of work, to whom we did not give beer. One Gilling, who had been a serjeant in the Guards, I conversed with in the morning of

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Friday. I went to Thistlewood's lodgings in Southampton-buildings, and saw him; and received a flag and six cockades from Mrs. Thistlewood, in the presence of Thistlewood and his son—that was the flag. Thistlewood gave me money at the same time to buy a staff for the flag. I went and bought a staff on the right hand side going down Holborn. When I came to the Lincolnshire public-house, the committee were all assembled. This was the morning of the fifteenth. We found the staff not long enough, and we went to a carpenter's near the public-house, and bought one, and brought it back to the public-house; it was approved of. I left the house, about half-past eleven, to go to Spa-fields. Preston, Hooper, and Thistlewood, left the house with me. The Watsons were at Bouverie-street hotel with Hunt. Old Watson had gone with me to get the staff; the Bouverie-street hotel is close by. I carried the colours in my bosom, and the staff in my hand. We walked all the way, and when we got to the fields, we sent Crisp to get a coach, and gave him the staff; the coach was first brought to a public-house close by the fields. Hooper and Preston got in, and Crisp on the box. The coach drove towards Merlin's-cave. Four of the committee, Thistlewood, Hooper, Preston, and myself, were at Merlin's-cave. The two Watsons came with Hunt. Hunt got on the roof of the chariot in which he came; I got on the box of Hunt's carriage; Thistlewood was on the box at the same time. Thistlewood desired me to hoist the colours; I tied them on the staff handed me by Crisp. There was a large assembly then round Merlin's-cave; Hunt addressed them from the top of his carriage, and then proposed to go to the window of Merlin's-cave. I handed the colours into the one pair of stairs room. One Clarke, I understood, was chosen chairman. Dyall was there; he was not chairman. Hunt named Clarke; it was not intended that Dyall should be chairman.

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Hunt addressed the populace from the room. Hunt proposed an adjournment to a fortnight after the meeting of Parliament. Thistlewood desired me to tell young Watson to tell Hunt, to move an amendment to adjourn till Monday fortnight. Watson told Mr. Hunt; and he, or young Watson, moved the amendment; it was proposed, and unanimously agreed to. After the business was over, we all quitted Merlin's-cave; I got into the hackney-coach with Hooper, the two Watsons, and Thistlewood. I shewed the colours from the coach-window. The horses were taken off the coach, and I was drawn along by the populace. We ran against a wall. We then walked to Bouverie-street hotel, where Hunt was; we dined together there, all but Preston, with Hunt. I and Hooper came away together; I went afterwards to Thistlewood's house, on Sunday, with the colours, and delivered them to Mrs. Thistlewood; she was folding up newspapers with advertisements, when the meeting was to be called again. This was on Sunday, the 17th; I saw Thistlewood directing several to different manufacturing towns, Sheffield and Birmingham, and numbers of places, to be sent by the post; they contained an account of the last meeting, and advertisements of the next meeting. I was present when the father gave them to the son, with directions to put them into the post. A hand-bill was drawn up at Greystoke-place, that Saturday, for the next meeting, the elder Watson drew it up; a paper was drawn up by the elder Watson, calling upon persons to subscribe to the expenses of the next meeting, as nearly the whole of the expense of the past had fallen upon one or two individuals. Every paper Thistlewood could find was destroyed when done with. Thistlewood frequently reminded Doctor Watson of not having papers about him, as, if any thing was found on our persons, that was the only thing which would discover us. Once, in particular, Thistlewood burned some songs of the Doc-

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tor's in my presence. This is the advertisement in the Statesman which Watson drew up; it tallies with what I heard read:—"London, Wednesday, November 20th, 1816. The expenses (which have been considerable) of convening the meeting on the 15th instant, having fallen particularly on one or two individuals, and as other expenses will occur, to promote the cause of Parliamentary Reform, and immediately bringing together united ability and integrity, to relieve the calamities of the nation, subscriptions for that purpose are received by the treasurer, Mr. John Hooper, No. 9, Greystoke-place, Fetter-lane. Signed, Thomas Preston, Secretary."

The witness then proceeds; "On Monday, the 18th November, I, Hooper and Preston went about for subscriptions; we got about two pounds the first day; we went about the second day, and every day, till the meeting took place. The money was paid over to the elder Watson, in the presence of the whole committee. In the interval between the first and second Spa-fields meeting, we went to the gunsmiths shops, to see what ammunition and so on there was; particularly about the Tower; we went also to the premises of persons who supply ships, to see what ball, cannister and grape there was; we did this on five or six different days; we looked at two or three gunsmiths in the Minories, in particular, and oil shops, and where there were combustibles, oil, spirits of wine, &c.; we made our reports to Thistlewood; we met in committee daily, and communicated what we had done. Towards the close of the month, I called, with both the Watsons, at different times, on Mr. Keenes. I went to the Tower with Thistlewood, walked all round the Tower, and went into one of the canteens used by the soldiers, and gave the soldiers some beer and some bills, for the second meeting at Spa-fields. This is one of the small ones; I distributed some of these, and gave the soldiers drink. I went to the Tower three or four

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times, between the first and second meeting; once with Thistlewood, the other times with young Watson; we had bills all the times; I distributed a great many in and round the Tower, along the water-side; I showed the soldiers the cockades twice, red, white and green, in one of the taps: about half a dozen were present; a number were coming in and out. I asked, if they would like to work for a master who would give them double wages, or to be as they are; whether they would sooner fight for a big loaf, or a little one; those people we were drinking with might hear what passed. Our committee met once or twice every day, or every night, for reports; we discussed our plans at these meetings; after being at the Tower, we reported what we had done, and how we found the spirits of the people; every thing was reported regularly. Thistlewood, or the elder Watson, proposed, that if we could get a couple of hundred young women together, and dress them in white, for them to carry the small flags and cockades; or if we had money enough, that we should dress them all alike, to take off the attention of the soldiers, that they should not ride over us, the committee heading the mob. I called on Keenes, once with the elder, and once with the younger Watson; he was chairman of the Spencean society at the Nag's Head; we asked how long it would take to make us six great coats; we asked him to attend and dine with us, at No. 1, Dean-street: Watson had taken lodgings at Dean-street, Fetter-lane, to avoid being discovered at Greystoke-place. In the last week of November, we went over Blackfriars-bridge to the New-cut, to Westminster-road; we went there to hire a waggon or stage, to deliver speeches from at the Spa-fields meeting; we found a man, who said he had a mountebank stage to sell; he asked eight pounds for it; Thistlewood offered two pounds for the loan of it for a few hours; the man would not let it go, unless it was sold, and he had the

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money; Thistlewood said in a little time he would be glad to give the whole of his carriages for nothing; we went afterwards to several places: I was desired by Thistlewood to get a waggon; I went to one Ware, who recommended me to Windemude, who had one; I went to the Ship, and sent for Windemude there. I applied for a waggon, to deliver a few speeches in Spa-fields; he asked three pounds, and three shillings for the boys cleaning it out; I was to let him know the next day if I would take it; I saw Thistlewood that evening, and reported what I had done; he approved of it, and told me to go and take it, and pay the deposit, out of money I had belonging to the committee; I did so. On Friday, the 29th November, I and young Watson went into the Strand, to look to the arms, guns, pistols, and sabres, hanging up at Exeter-Change, and at the gunsmiths' shops opposite; I looked at several shops, and one where there were a great many swords, knives, and carving knives. I went to the Savoy, and among the people working at the new Bridge we delivered our bills out, and invited all we could find; and the same at the Fox-under-the-Hill. I went to the tap or canteen at the Horse Guards, and saw soldiers there; we asked them (Watson junior spoke) if they had heard any news, the soldiers asked what news; we said fifty thousand Russians were coming, thirty thousand of them were landed at Woolwich; the soldiers said they did not think that Government had sent for Russians, for if they could not depend upon them they would very soon dispatch the Russians, and not suffer them to domineer over them. As we were coming out we met an artillery man, dressed in blue, and asked him if he had any orders for Monday next, and if he had heard of the meeting; he said he had no orders; I gave him several bills and desired him to distribute them among his companions, the soldiers, when he got home; I asked the soldier to drink some rum

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water with me, he refused. Watson the younger and I then went to Ware's; Ware lives by Horse-ferry-road. I found there a serjeant of the Guards; I conversed with him about the meeting, but he did not seem to wish to have any conversation about such things; I gave Ware some bills; he stuck large placards in his shop. We then went to the Ship in Horse-ferry-road, and sent for Windemude there; I agreed with him for the waggon, and gave him ten shillings as a deposit; I gave him directions as to the time and place, and promised to see him again on Sunday night with further directions. We went afterwards to a smith's, Maudsley's, by the Asylum, Westminster-road; we went to a public house near Maudsley's manufactory, eight or ten men were at their dinner; we distributed bills to them; we had received twelve shillings and sixpence subscription from them before; they promised to come to the meeting. We went afterwards to Dean-street, Fetter-lane, Watson's lodgings, and saw all the committee there; we reported what we had done about the waggon, which was much approved of. At No. 9, Greystoke-place, a weaver came, and brought some tri-coloured ribbon, green, red, and white; Watson paid him something more than two pounds, at ten pence a yard; I had three or four yards of it. The committee met again on Saturday morning, the 30th, at No. 1, Dean-street; Thistlewood said, what were we to do for arms, for pistols, sabres, and short dirks Young Watson said he would go and purchase them; five pounds was given him by Thistlewood for that purpose. Thistlewood said they should only want half a dozen pairs, for if we got the better for two hours, we should have arms and ammunition, and every thing we wanted. We then separated to go our different rounds, Hooper and I to go towards Paddington, amongst the navigators, to invite them to the meeting on Monday; we had bills, and distributed them as we went along; we saw the navigators, and came back

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we should them to come in as large a body as they could; several many promised to come. In my return, I observed a brass-barrelled pair of pistols at a Mr. Flint's, they hung outside the door; I asked the price; Hooper was with me; I bid him eighteen shillings, which he agreed to take; I left a deposit of two shillings. Hooper and I returned to Dean-street; we found Thistlewood, the two Watsons, Preston, and Keenes, that was the first time of his being there; I observed two or three pair of pistols lying on the table; young Watson was casting bullets in a mould he had bought for the purpose, of the size of the pistols; young Watson said he had given twenty-eight shillings a pair for them; I said I had bought a better pair for eighteen shillings; Thistlewood said, why did not I bring them with me; I said I had no money, I had left a deposit of two shillings for them. I said, I had seen a pair at Flint's which I could have cheaper; a short sword and dirk stick lay on the table, which I had seen in the possession of Dr. Watson before; such a dirk stick as that. There was some talk about a sword, and two short ones; I was desired to go to Stacey's and buy them; I went and got a long sword, a short sword, and a brace of pistols, from Stacey's. I then went to Edgeware-road, and paid the remainder of the money, sixteen shillings, which, with the two shillings, made eighteen shillings, and had the brass-barrel pistols; and agreed to give twelve shillings for another pair, one of which was broken in the guard; I left a deposit of two shillings. Thistlewood gave me another one pound note, and bade me fetch them next morning. Watson said, we have brave news, my son James has brought news; he can bring fifteen thousand men himself, and has heard where there were fifty thousand stand of arms belonging to the East or West India Company. Thistlewood said, then we must alter our plan; that young Watson should go down to Wapping, and

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Preston to Spitalfields, on Monday morning early; Preston was to get as many from Spitalfields as he could; as he was sure that he could get as many as fifteen hundred; Thistlewood said, that they should go down early in the morning to get confidential men to make them captains, or give them the hint what was to be done. Young Watson said, but all the old soldiers want commissions, what are we to do with them? Thistlewood said, you must do the best you can, for we must all fight, and hard, till we get the best of it. I was to go to London-bridge, to meet the smiths, as I was best known to them; I am a smith; I was to collect all I could, and proceed to Tower-Hill, where I was to be met by young Watson, when we were to attack the Tower; and if the soldiers would not let us in by solicitation, we were to take it by storm. There were several who had seen us before, and we thought we should get in without any difficulty. We were to offer them a hundred guineas down, or double pay for life, which they chose. Our pistols were loaded; the colours and cockades were then in Thistlewood's possession. I went to Greystoke-place; there Dr. Watson was to write the inscription on the calico. I saw the inscription, "The brave soldiers are our brothers, treat them kindly." He said that would have a great impression on the minds of the soldiers. He took the calico to No. 1, Dean-street. I took the brass barrel pistols with me which I had bought of Flint; Hooper a brace of pistols, which he had produced at the meeting as his purchase. On Sunday the 1st of December I went for the pistols, for which I had deposited two shillings, paid the remaining ten shillings, and brought them away. I went on that Sunday to No. 1, Dean-street. I took Richard Angel with me, whom I had employed to make the staff, and paid him three shillings. On my arrival, I found young Watson there, and gave him the

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pistols; and young Watson put them into a cupboard. Hooper, Preston, the two Watsons, and Angel dined; Keenes came when dinner was nearly over. Thistlewood did not dine; he said he was going to have the two Evans's to dine with him at four. This was at one o'clock. I was called out by young Watson and Thistlewood into the yard at the back of the house; young Watson said, 'What do you bring that stranger here for? how do we know that you do not bring him to betray us?' I got Angel away. I was to return to No. 9, Greystoke-place; I went to Greystoke-place; I met elder Watson, Thistlewood, and Hooper. After reprimanding me for bringing a stranger, the remainder of the arms was produced, and divided amongst us. The flag and about six cockades were delivered to me. Thistlewood returned. All the committee were there but young Watson and Preston. Thistlewood gave me two one pound notes to go and pay the remainder of the money for the waggon. The plans were arranged for Monday morning; Thistlewood and old Watson, Keenes, Hooper, and I were to go with the waggon from the top of Chancery-lane to Spa-fields; the colours and banners were to be put into the waggon, and Hooper was to have the charge of them; young Watson, and Watson the elder, and Preston had speeches prepared. Young Watson and Preston were absent; all the rest of the committee present. Thistlewood said, if he found the spirit of the people ripe, that he should then jump down"—This was his statement of the measure to be adopted at the meeting on the 2d of December, as it had been previously for that of the 15th of November,—"and head them before Mr. Hunt came."—This appears, by the evidence of several witnesses, to have been acted upon on the 2d of December.—"It was arranged for us to meet at eight o'clock precisely at the Black Dog in Drury-lane; Hooper, Keenes, Thistlewood, the elder Watson, and myself. I went to the Ship public-

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house, and paid Windemude two pounds more. I appointed the waggon to be at the top of Chancery-lane. It came accordingly. I gave Windemude a bit of ribbon, and the servant maid of the house some. The next morning, the 2d of December, I went to the Black Dog. I found Thistlewood, the elder Watson, Hooper, and Keenes there. I enquired for young Watson and Preston, and was told they were gone to the Minories and Spitalfields to collect all the men they could. Pistols were produced there. Thistlewood said, if any magistrates or officers interfered, we were to shoot or run them through; that he did not mind the civil power, if he could keep off the horse soldiers. Sixty or seventy bullets were put into an old stocking, and given to Keenes to take to the waggon. Hooper and I found the waggon at Chancery-lane, with Windemude and two boys. Hooper and I went to my lodgings for the flag; I tied it on the staff, and deposited it in the waggon in the charge of Hooper. I rolled it round the staff. I then went to No. 1, Dean-street, where I found Keenes wrapping up the banner in two old blankets; it was made of calico stretched on a frame. I then went to London bridge to meet the smiths, as I had been ordered; I found none there; every thing was quiet. Then I went to the Tower; I found the gates shut, and an extra sentry on. I went to the soldier, and asked him why the gates were shut up; he said, on account of the meeting. I then went to the Bank, and found the gates shut up. I then went to Little Britain, near West Smithfield. I there heard a great shout. The first persons I saw were Dr. Watson and Thistlewood. I asked Watson where his son and the rest were; he said, "To the Tower; Jack to the Tower, or else we shall be too late." They went on towards Lad-lane and the Tower, and I lost sight of them; I saw Keenes soon after. Dr. Watson had a dirk stick in his hand, but not drawn.

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Keenes and I got into Cheapside; Keenes told me what had taken place in Spa-fields; he said, he was afraid he had left the blankets and balls in the waggon. I met Mr. Hunt going in the direction for Spa-fields; he was in his tandem. I went through the city towards the Tower; I saw young Watson close to the Bank, at the back of the Exchange; the mob were with him, he had a sword drawn."—According to this evidence, young Watson had his sword drawn; that certainly is as clear and manifest an act, indicating a purpose of levying war, as has been usually exhibited in any trials for high treason.—" He was encouraging the mob to follow him; there were two hundred men and boys, some were firing in the air; I spoke to him; he went towards Bishopsgate-street, and into Bishopsgate-street. I met them again at the lower end of Houndsditch by the Minories; young Watson was still at the head of them. He went to a gunsmith's which we had looked at before, and rapped very violently, but could not gain admittance; he said, he knew where there was another gunsmith's, and bad them follow him. The shop was broken open, and all the arms brought out, guns, swords, pistols, and pikes. Young Watson was close to them, by the door; the elder Watson, Thistlewood, and Preston, were all there; the elder Watson had a dirk in his hand, drawn; Thistlewood had a pistol; Preston was there, but I did not notice whether Preston had arms; I saw young Watson, with a sword drawn and a belt round him. The mob went to another gunsmith's lower down, that was broken open; two small brass field-pieces were brought out, and also guns, swords, pistols, and ammunition. This was close by Tower-hill, within a door or two; Watson the younger, Watson the elder, and Preston were there; there were some sailors in the mob; the mob fired in the air; the elder and the younger Watson bade them ammunition for something better, and not fire

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it away in waste. One of the sailors began to sponge the field piece. I saw Thistlewood and the elder Watson go as close to the rails of the Tower as they could get; they seemed addressing themselves to the soldiers across the ditch. I was not near enough to hear what the conversation was; I was behind them, and thirty or forty yards from them. There was a great noise on the hill, I was in the midst of it; I was not above twenty yards from the nearest gunsmith's shop. They returned up the Minories to go to Spa-fields to get a greater force. Thistlewood had a long brown great-coat, a blue coat under it, and small clothes and top-boots; both of them were addressing the soldiers, they stood side-ways to me; they were surrounded by very few people; they addressed themselves to the soldiers on the Tower; there were as many as forty or fifty. One of the wheels of the small field-piece came off; on the appearance of some soldiers on the Minories, the greater part of the mob threw down their arms, and ran away; I walked forward with them, as if I had nothing to do with it, till the soldiers had passed me; I stopped till near dark, then I went to No. 1, Dean-street, and at six or half-past six found the two Watsons, Thistlewood, and Preston; the elder Watson began packing up his linen and papers, as if going away. I enquired where they were going? Thistlewood said, they had a house prepared in the country, and we should hear from them in a day or two. I asked where Hooper was? they told me he was taken with the colours, and some of us must expect to be taken. He said, we should hear from them in a day or two. I asked, if they had shot any body? young Watson said, he did not know. Thistlewood said, he was perfectly satisfied now that the people were not ripe enough to act. The two Watsons and he went away together about seven or half past six; whatever was left, Preston's daughter was

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to take away to No. 9, Greystoke-place, and the key left with Preston."

The cross-examination of this witness took place on the next day. Then he said, "I am the John Castle described in the list of witnesses. I have not conversed with any body about my examination yesterday, nor read it. I have been a prisoner since the 9th of February on a charge of high treason, on the same high treason which the prisoner Watson is tried for. I was committed, I think, on the 9th of February; I was arrested on Sunday morning the 9th of February. I have not a promise of pardon, nor have I committed any thing requiring a pardon; I have had no promise of pardon. I was not referring to the matters now in question. I communicated every thing when I was brought to the Secretary of State's office, and there was no promise of pardon directly or indirectly made to me. Mr. Nodder told me, that the charge of high treason against me was withdrawn; but I never applied to be let out of custody. I do not know who have been examined on this trial; I have seen Bentley, but not talked to him in going to the grand jury room. I went in custody of an officer to the different public houses. I went to Raisdell's or Randall's, and to two public houses at Paddington, not to the canteen. I know the brother of Crisp, one George Crisp; I met him by accident; I did not tell him the situation I was in; he did not know, as far as I know, that I was in custody. I told him, that I wanted to see his brother; but that if he would go to Mr. Stafford, he would speak to him about a petition, that he wrote for Doctor Watson and me. I desired George to communicate this to John Crisp; nobody had desired me to do so; I sent him to Mr. Stafford on my own account; I told George it would be to John's advantage, if his brother were not in employ. I went to the Tower to find out a man who was

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at the public house when we were treating the soldiers with beer, and when we had shewn cockades to the soldiers. We found the man at last; he lived at the sign of the Pumpkin, somewhere by Mark-lane; I cannot think of his name. Mr. Stafford and one Salmon walked round with me. Mr. Stafford was not with me when I saw Crisp; we went to the Stone Kitchen; the landlord had removed to some other place, to the Pumpkin, we found him there; he said he did not recollect any thing of the kind. I told Stafford, we had shewn cockades in the tap. We enquired for a woman who went by the name of Old Mary, and a boy. We went to the Black Lion, Vinegar-yard; I asked the landlady if she remembered giving beer about. I never saw the list, written or printed, before; nor have I had one in my hand. She said, she recollected something of the kind, but would call the boy. We next went to Newton's in Long-acre; I asked if he recollected me; he said, perfectly well. I went to the man I had gone to about hiring the stage; I went with Stafford, not to collect evidence. I did not know what purpose he was taking me round for, but only to learn whether those were the people and places I had mentioned; I believe it related to the trial. I am a whitesmith; I left it off, but cannot tell to a year or two when I left the employ; I have done no work at that trade for twelve or fourteen years; I have done jobs for myself in repairing a lock, and so on; not to work for any body else in iron-work. I have left Harwich some time. I was in the figure-making way, at No. 5, Newton-street, making paper dolls, when my acquaintance with the prisoners began. I stated myself to be in great distress, and was so. I was never under commitment before."—Then he corrected himself, and said, that he meant tried.—"I was at Guildford in Surrey; I was under commitment twice, once at Abergavenny, and the other time at Guildford. I was taken up there for putting off forged notes, uttering forged notes; I was not

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tried at Guildford, but was admitted evidence against the other; he suffered by the laws of his country; he suffered three or four years ago; the man's name was Davis; he was committed at the suit of the Bank of England. I made no bargain with the Bank. I told the Bank I had been dragged into the business innocently, and would communicate the whole of the business. I knew one Greenaway; I was witness against him, he was with me when I was apprehended. He pleaded guilty, and was transported. There were three of us, I and two others. I do not know my age to a year or two. I am about twenty-eight or twenty-nine years of age. The last person I worked for was a Mrs. Angel at Doncaster. I worked there from a child. I was born at South-Kirby in Yorkshire. I was committed at Abergavenny, on a charge of taking away a French prisoner. I heard the magistrate say, if the same had been done by a Commissioner of Transports, he would have committed him. I was acquainted with one Warner; he gave me two letters to be sent over the water to Buonaparte; when I got possession of them, I and two police officers, one Dickins, went to the Transport Office, and saw one Sugden, a clerk of the Transport Board there. I gave him the letters. Dickins was sent down with me to bring a Colonel Pouvettè to London: Colonel Pouvettè would not come away till the beginning of the month following. I came to London and communicated that to Sugden, and I was sent back the same evening by the Bristol mail, to bring Colonel Pouvettè from Abergavenny to London. Sugden gave me orders to shew to any person on the road, if I was attempted to be stopped. I went down, and was apprehended with Colonel Pouvettè, he having come away with me. I got a cart by Colonel Pouvettè's desire. I do not remember the magistrate's name. I was told that Colonel Pouvettè was an artillery officer of eminence in Buonaparte's army. The first time I saw

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him he gave me the letter; the magistrate committed me, though Sugden's letter was produced, because I had not an order for his coming away. Warner was confined in Bridewell for getting prisoners away. I went to Tothill-fields Bridewell to see Kennett, Kennett referred me to Warner. I was desired to take those two letters out for Warner; he is now, I believe, in Kent; those letters led to the plan I have since stated. Mr. Dickins was to go down with me to Abergavenny; I know nothing of the time. When I had the conversation with Watson at my lodgings, I desired the person who was in the room to go out. I do not know my wife's age. I have had three or four children, four children; she is in Yorkshire. My children died three or four years ago; the eldest would be ten years old, if he had lived. The mother is living, she lived with me as my wife. I was married at Dover-court Church, near Harwich, ten or twelve years ago; her name was Prickett. I have lived with another person since. My real wife was in the room when Watson called. I was never married before I married Mrs. Prickett. I lived formerly at Mother Thoms, in King-street, Soho; she kept a lodging house for females; it was let by the week; Mother Thoms's was not an house of ill fame let for an hour or half an hour, it is an house for young women; but I do not believe that it is for the purpose of prostitution. I lived there as her husband, not as a protector or bully. She let her lodgings at so much a week; she let three floors to three different women. There was no room for chance customers. I never interfered with the letting of the rooms, nor took notice when people visited; they took lodgings, and paid for them. I neither paid or received. I believe they were let out for the purpose of prostitution, but I know nothing of that. My name is on the door and has been for a year and a half; it is there now with a plate over it; it is not legible on the door; I

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have not been that way for eight or nine months; Mother Thoms is dead; I sent my wife into the country by Doncaster to see my friends; I know a young woman, one Streeter, daughter of a baker at Brighton; she is about seventeen years of age I believe, but I do not know her age; I have been twice at Brighton. On the 2d of December I proceeded to London bridge; I went between eight and nine to the Black Dog, and from thence to meet the waggon at the top of Chancery-lane, between nine and ten; I put in the colours, I do not know who put in the powder; Keenes took it from the Black Dog; Keenes was called by no particular nick-name; there might be half a cannister of powder, fine powder; it was a small cannister, and looked like a pound cannister; I tied up the balls in a stocking foot; there were two or three small cartridges of slugs and sixty or seventy bullets; I brought nothing personally to the waggon but the colours; I went to the Tower about half-past eleven o'clock; I was told by the sentry that there was no admission there; I did not go to Spa-fields; I assisted Keenes, at No. 1, Dean-street, in wrapping up the banner in blankets; I do not know the name of the person the smiths worked for over the water; there were smiths to have been met, but I saw none; Watson and Preston had been several times with me to the place where the smiths got their dinner; I know the name of none; finding no smiths, I went immediately to the Tower gate, and finding every thing quiet I made no speech to the soldiers; I had been with them in the Tower before; I did not harangue them; they shut the gates in consequence of the meeting. I went up the Minories, and went then to the Bank, and by the back of the Bank and Ladlane to Little Britain; I met Mr. Hunt in Cheapside, near Bow Church, about twenty minutes before one; I told him that Watson had gone with a party of men from the field to the Tower, and asked him why he was so late;

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he turned to the clock and said, it wanted twenty minutes of one, and one o'clock was the time he was to be there; he immediately drove off. I had no other conversation with him; I never told him that I was just come from the Tower, and that the Tower had been in our possession two hours, nor did I give him to understand that the people had got the Tower; he was coming in the direction from the Mansion-house to Spa-fields; I desired Mr. Hunt to make haste to Spa-fields; he drove off, and did not stay a minute; I was walking towards the Bank, and going down to the Tower; I had met Watson, Thistlewood, and Keenes, and they told me the younger Watson was gone to the Tower; I saw a dirk stick in the elder Watson's hand at the time. When I went to the Tower, I went with Keenes to Mark-lane, and had something to drink; I saw young Watson at the Bank with two or three hundred men and boys; they were then firing in the air; I bought two pair of pistols and two swords; I bought no other arms; I endeavoured to hire a stage or waggon; the man would not let it. He offered to sell a mountebank stage for eight pounds; Thistlewood had desired me to get a stage, and was with me at the time; the stage was mentioned by accident, when we were going after a waggon; the arms were divided and dispersed among the people for the 2d of December; there were no arms but what I mentioned yesterday, except only an old sabre. The meetings at Greystoke-place were most days once or twice, and at Dean-street also; the people took in money there; young Watson collected money; ten pounds came at once; I cannot say the amount to a few pounds, there might be thirty pounds collected, but I took no particular account of it; when Harrison withdrew we were alarmed and resolved to change our place of meeting; I saw Harrison; we met that night at the Blue Last; we could not converse in private, and we came to Greystoke-place at a late hour; when Harrison withdrew I introduced Hooper. I

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did not advise Harrison to withdraw, as being suspected; I brought Angel to dine at No. 1, Dean-street; he was not a stranger to Hooper, but he was to the others; I invited Angel to the last meeting; I had endeavoured to prevail on Angel to join our meetings, but he declined it. I desired several other persons to join our meetings, and every body I could light on; I asked the two Crisp's to join our public meetings, one did. I invited many persons to attend at Spa-fields meeting; I reported every night, and sometimes twice a day; I made a correct report; I never exhibited a list of persons I could get to attend; I said I would get 500 smiths to attend; I did not see any of them; I cannot say whether any did attend, or none, I saw none; I saw nobody whom I had invited to attend; I met the crowd, but was not at Spa-fields; I went to public-houses with tri-coloured ribbon; I shewed it in the Tower, in the Stone Kitchen, in the open room. I went with it in the inside of my hat; I showed it in the tap-room to seven or eight persons; a soldier said it was a pretty colour; he said nothing else particular; I paid for two or three pots of beer, and was asked by a soldier to lend him sixpence; I lent him a shilling; I then went to the tap near Drury-lane; nobody but soldiers were there, but any person might come into it; Thistlewood and I and the two Watsons had a great quarrel with a servant in livery; the younger Watson spoke of liveries as marks of disgrace; the gentlemen's servants, one of whom was in livery and one not, offered to withdraw; I went to dine in Bouverie-street on the evening of the 15th of November, the day of the first Spa-fields meeting; there were present the two Watsons, Thistlewood, Hooper and myself, Mr. Hunt, and Mr. Clarke the chairman, and two or three other persons. I went after the meeting, knowing the place where Mr. Hunt put up; I staid probably till six or seven o'clock; we were to defend the Bank, when we had got in, by any thing we could get hold of, bricks

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or tiles to throw from the tops of the adjoining houses, and from the Bank we were to get glass bottles, from those who had them in their houses; Mr. Hunt said he had not seen the colours distinctly at Spa-fields; I gave a toast at Bouverie-street, " May the last of kings be strangled with the guts of the last of priests; Hunt desired me not to be quite so violent, and stopped me; that is all he said; there was nothing said about turning me out of the room; I never gave any other toast; I do not remember Mr. Hunt saying, that if I was so violent he must leave the room; he might say so; I do not recollect falling asleep, nor pretending to be asleep; I think I was not asleep, nor shammed sleep. Mr. Hunt did not invite us to Bouverie-street to dine, but asked if we meant to dine; I went in, finding Thistlewood, the Watsons, and Hooper there; he did not invite me to the same table with him; I did not ring the bell to ask what we could have for dinner; I do not know whether Mr. Hunt reproved me about the soldiers, or upon any subject but the toast; there was no violence about the soldiers; the King's health was left out of the question, it was not drunk, I never heard it drunk; I told Mr. Hunt I had assisted in getting a French officer out of the country; I did not mention the sum I got; many knew I had been taken up with a French officer; I never said I threatened to shoot the French officer for not getting on fast enough; I mentioned that it was Lefebvre Desnouettes. I do not recollect saying whether I did assist in getting him out of the country: nothing was mentioned about it, that I recollect; I had taken rather too much wine and spirits; nobody but Mr. Hunt admonished me, that I recollect. I was in liquor at dinner after the first Spa-fields meeting; I was the worse for it both before and after dinner; before the meeting on the 2d of December there was a plan to burn the barracks; it was given up on account of Harrison's withdrawing, and

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not getting a house; fifteen pounds was wanted for fixtures and rent in advance; the gentleman would not give up the key, and it was too late to look for another house; the combustibles were not bought; Watson said it would come to about a hundred pounds; Thistlewood said twenty pounds should not be spared; the combustibles were to be placed in the avenues of the barracks. It was the plan of Thistlewood and the elder Watson to have set the six avenues on fire at once; the soldiers were all to be stifled and smothered; we gave up burning the barracks; if Harrison had not withdrawn, it might have been carried into effect. The plan was to be this; Thistlewood and young Watson were to call their men together, at the bottom of Gray's-inn-lane, at a given hour; and the elder Watson and I were to have two or three hundred men up at Watson's house, to divide the combustibles, to set the barracks on fire at a given hour; we were to take the horses off, and to make the coachmen join us. It was to be on Saturday night and Sunday morning, as there would be a great number of drunken people about; the horses were to be mounted by those who could ride, and form a cavalry. The end of Oxford-road was to be guarded with two field-pieces; Harrison, being an artillery-man, was to command them; the right hand side of Oxford-road was to be barricadoed with carriages. Hooper is a shoemaker. Preston and Hooper both told me they could not ride; Preston was lame, but he said on such an occasion as that he could walk fast enough. Piccadilly turnpike-gate was to be chained; we were to use any thing we could get at to blockade with; the whole of the spikes fixed in the wall were to be taken down, and used to barricade; we were to get possession of London in two or three hours; the alarm would be general at that time; the soldiers were to be smothered in the barracks. We found we could not do any thing at the Knightsbridge barracks. If the soldiers galloped from

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the barracks, the field-pieces were to have played on them; a party of pikemen were to be there, and a field-piece or two placed in the Green Park; the whole of the artillery were to be got from St. John's Wood barracks; the infantry barracks, on the left hand side of Knightsbridge, Thistlewood and myself had been to and found we could do nothing with them. We had formed a plan to prevent the artillery coming up from Woolwich by water, and to have sent out to the ships at sea, to inform them there was a new government established, and they were to come home for fresh orders; there were only six in the committee; they were all to be generals. I have gone by the name of Jackson, after the second Spa-fields meeting; Angel thought it more prudent I should go by the name of Jackson; I took and paid for lodgings in my own name, No. 19, Prince's-row, Newport-market, Hooper being apprehended; I never lived by Carnaby-market. We calculated on forty or sixty pistols and sabres, and dirk sticks; in the Strand and Exeter Change, we saw more than twenty sabres there, and guns, pistols, &c. at a shop close by. One of our reasons for giving up the blockade plan was, that we could not get sufficient together without calling a public meeting. I had known Keenes by seeing him several times at the Spencean meeting. Watson began conversation by talking of oversetting the Government; he had seen me, but had not, I believe, spoken to me before the first night he talked to me of a plan of oversetting the Government. I first disclosed the transaction on the 6th or 7th of January; I was taken up in February; I was in the room at the first Spa-fields meeting; I do not know whether there were magistrates there. I put my fist in the face of a person, I cannot say whether he was a magistrate, at the first Spa-fields meeting; I was told afterwards that he was a magistrate; he was going to shove me off the table. I saw the police officers at the first Spa-fields meet-

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ing, several were there; I do not know whether the magistrates were there or not; I gave the flag to a person up stairs, in sight of the police officers and the person in whose face I put my fist. I never heard that the room was taken by the magistrates till now; I went up stairs after I had given the flag; the room was nearly full; I never heard of the magistrates taking the room, or being there; I did not know who had taken the room, nor whether any persons had forcibly gone up before I had gone up; I did not see whether the frame was taken out of the window; I could see Hunt speaking; the flag was then hanging out; he might see it, but not the inscription on it. There were five or six thousand people about Merlin's Cave; it was said there were fifty thousand; I thought there might be fifteen or twenty thousand, going or coming; I know Mr. Dyall, not Mr. Clarke; I took the flag with me to Bouverie-street hotel, and kept it till the Sunday morning before the second meeting. I do not know that I was known to the police officers; Mr. Stafford has paid for my dress, I have had it about a month or six weeks; Mr. Stafford paid for the whole of my dress, and my pocket-money was given me by him; Mr. Stafford furnished the money for my wife going out of town, five pounds in the beginning of February; the reason for sending her out of town is best known to myself; nobody suggested it to me; I never communicated my affairs to her; she might verify the fact of being desired to go out of the room when Watson came; she could not have stated where I was at different times. When Preston was taken by the Lord Mayor, some rent was owing; I took away an old table and a bed, which Watson had given the committee, with Preston's daughters; I took them to my lodgings, having nothing else to support me. Thistlewood had promised me, that if any thing happened I should have sufficient money to take me out of the country; I

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know nothing of the key of the house in Hyde-street, Bloomsbury; I was not there more than three or four times with young Watson; I have since heard that some pikes have been found in the privy; Nodder, the keeper of Bridewell, told me so."

On his re-examination, he said, "I never heard it till Nodder told me, after I was in custody; I never was out of the house after young Watson and I carried the pikes there, except on Tuesday and Wednesday after the Spafields meeting, I went to assist the elder Watson in removing his things to Greystoke-place; it had been agreed that the soldiers should have the hundred guineas when we got possession of the Bank; we expected to find money there; it was talked of by all six of us; all the bank notes were to be destroyed, and nothing but cash circulated; the plate was to be taken from all the noblemen in the kingdom, and coined with a cap of liberty on it; this was settled the first Sunday I was there. Every general was to have a book, and to give an order on Thistlewood for the guns; if the gunsmiths would let us have them, they were to have checks for them; if they would not let us have them, we were to take them by force; no book was prepared; Somerset-house was to be the head-quarters; what money we had came entirely from Thistlewood.

The next witness, Gentlemen, is Ann Wright. She says, "I keep a public-house, the King's Arms and Golden Anchor, in East Smithfield. In December last, and before that, one Atkins, who is since dead, lodged at my house. The prisoner Watson, on the day of the riots, the 2d December (Monday) came to my house; Atkins was then in the tap-room; it was between one and two o'clock. Watson went into the tap-room, and shook hands with Atkins. I drew them a pot of beer; Watson said, he would go into the tap-room, where he could speak at free liberty. I heard him say, 'Come on, my brave boys! if

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you had but followed me, the Tower would have been in our possession before now.' We were just going to shut up, from what we had heard from the Minories; he did not stay above ten minutes. He went away by himself; he had a great coat on, and he had a stick, which he flourished about in a noisy manner. I had seen young Watson several times at our house with Atkins."

On cross-examination she says, "He went into the tap-room, with the pot of beer in his hand; it was when the parlour-door was opened, and he saw who were there, that he said what he did about speaking with free liberty. The people in the parlour belonged to the London Docks. In the tap-room there were seamen; nobody went out with him; Atkins staid in all day. I had never seen that Watson before; we go across the passage to the tap-room; I have never seen him since till yesterday; I mentioned this before Christmas; they came to me three or four times during Atkins's life. There is a man who was in the tap-room at the time who is here. I have seen sailors, chiefly strangers, pass that way; I saw them passing the bar a quarter or half an hour afterwards. I know that the tap-room was full of people; the general customers are sailors in the tap-room, and London Dock people or people of better condition, go into the parlour. This man whom I allude to, William Miller, was there."

Then William Miller is called; that is the man whom she recollects to have been there. He says, "I am a seaman; I remember the day of the riots, the 2d December; I was at Mrs. Wright's that day; I remember a man coming in, and talking to Atkins. He said something about the Tower; he said, if they had been of his mind, he would have had the Tower in his possession."

On cross-examination he says, "I never saw the man before; it was in the afternoon, betwixt two and three, after my dinner; I had not been at work; it was not

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beginning to be dusk—not so late, I think, as four or five; several people were in the room, whom I did not know; there were a great many sailors there; we were talking about the riots in the Minories, just about that time; I attended that house; the better sort of people go into the parlour, and the inferior people into the tap-room."

Zaccheus Bannister says, "I lived in Hyde-street, Bloomsbury, in December last; I knew Watson, the prisoner; he took a small shop in front of my house, for his son; not an apartment, but a small shop, with a key to the door of the shop, and a latch-key to the outer door; the younger Watson, I believe, slept there; I never saw the inside of the shop when Watson had it. Vickery, the officer, came to my house to make a search, in December, on Thursday the 5th; I believe he came to enquire if a person named Watson lived there; I saw him turn over every thing in the room, and take away papers; Vickery forced the door; I had not the key of it; I believe Watson junior kept the key in general." The key being shewn to him, he says, "I believe this is the key; this appears like the key of the shop door, not of the street door. Vickery came again the 5th or 6th of March; he had been there again, I believe, on the 12th of December; I remember his coming in March, and the privy of my house being searched; I was present then, when something was found in the privy: it was quite emptied; iron pikes were found there; no pikes were put there between the 2d of December, and the time when they were found; I had never seen them before; I saw Watson last there about the 18th or 20th of November. I saw both then; the father had access to the house, and came with the son; I had never seen the pikes before they were found; the premises were taken by the father for the son; I believe this to be the key; there were several other persons in different parts of the house; the privy in the yard is common to the whole house; persons can go into

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the yard through a passage from the street, without going into the shop; I do not know that the son slept there; they were there sometimes at nights; I do not know that either of them slept there; for a fortnight before the 2d of December last, I saw neither father or son; it is very improbable that any other person would come to the shop, I having the key; it was a latch-key; I had not had access to the shop after the Watsons were there, before Vickery came; a person from the street must first come into the passage; the outside shutters were usually opened by the younger Watson; they were not opened at all during a fortnight; I did not see them before the 2d of December; the outside shutters were partly open every day, never wholly: no one had access to the shop but themselves; no person had access to the privy but by the passage."

The next witness is Vickery, the Bow-street officer; he says, "I went on the 5th of December, to Bannister's house, No. 30, Hyde-street, Bloomsbury; the key of the shop was enquired for, but not found, and none could be found to open the door; I forced it; I searched in different parts of the shop, and found some papers there, littered about in different parts of the room; I marked them." A bundle of papers being put into his hand, he said, "these are the papers I found in that shop; I went at another time to make a search, on the 5th of March; I saw Bannister there in the morning; a search was particularly made in my presence in the morning, and at night the privy was cleared; a large quantity of pieces of iron, with a point at each end, were found; they were cleaned and put into a box, and carried to my office; the box was corded and sealed, and they have been in my custody ever since, except two, which were parted with to Mr. Litchfield; they are here." Then he produced the papers. "I counted two hundred, all but two; there might be a few more. I went to search on the 5th of December, and found papers then in

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the shop, in the front of the street; the papers were tossed about; some were in an old box, but they were all in confusion; those I selected were some in drawers and some in a box."

Then there are some papers read. The first paper produced is a plan of the machine that is talked of. The next is a plan of the Tower. Then there is a list of names: "Francis Burdett, Thomas Hardy, Samuel Brooks, Charles Puller, Thomas Evans, senior, G. Harris, Ga. Jones, Roscoe, Walter Faulkes, Thompson, P. G. Waithman, L. J. Thomas Evans, junior". Then there is a drawing of the flag, with the inscription upon it.

The papers were handed to the Jury.

Gentlemen, to ease me a few minutes, my learned brother will read to you the continuation of the evidence.

A Juryman. We have not yet seen the papers which were found in Watson's pocket.

Lord Ellenborough. Those you shall have presently, Gentlemen.

Mr. Justice Bayley. Then Thomas Hillingworth says, "I am a servant to Mr. Leach; I was at a public house, Newton's in Long Acre, on the 5th of November last, I was in a little parlour, four men came in, they came in one by one; to the best of my recollection, one of them asked a friend of mine, who was in livery, who made his master a Lord? He had a crest upon his button; in a little while they put the same question to me, upon which I explained it as well as I knew how, and after my explanation to this person, they asked me how this nobleman came to be possessed of the quantity of land he had; and then they turned to the servant, and told him he had a right to as much land as his master, and that the time was now fast approaching when he would be as good a man as his master, and possess as much property. In the course of

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the conversation one of them, I think it was Castle, asked if there was a double guard on Carlton-house? I said, No, they said they knew there was; Castle said a double guard would be no use to the Prince Regent, the soldiers would not fight for such a government as this, they had seen how merit was rewarded in France, and that now they would refuse to fight as they before had done to support the government of the country. It ended in a quarrel between me and the young man."

On cross-examination he says, "On this evening Mr. Leach was at Drury-lane Theatre. I do not think Castle knew who I was. To the best of my recollection, it was Castle who asked, whether there was a double guard at Carlton-house, and who said a double guard would be of no use to the Prince Regent; there was nobody by but the four and the young man who went in with me; none of the Drury-lane guards were there; the young man said, a livery is a badge of slavery. I will not swear that the elder Watson was there, but I think he was. I think Thistlewood was another, but I cannot speak so strongly to his person as to the elder Watson; I saw two of them at the first Spa-fields meeting on the carriage, and I saw Castle there; I recollected them again, one of them got up on the right hand side of Mr. Hunt, and Castle on the wheel; this was before they went into the Merlin's Cave."

John Dyall says, "I know the elder Watson; I believe I have seen Hooper; I know Preston and I have seen Thistlewood; I have known Watson and Preston longest, I did not know them before the latter end of October; I know the public house called the Sun, in Slaughter-street Spitalfields, I was there on Monday the 4th of November, I understood there was to be a meeting there at night, I went about seven, and found about two or three persons there; in about a quarter or half an hour I saw Preston come in; I had no money to pay for liquor, and Mr. Preston

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said, a pint or two of beer would be of little consequence; that he did not like to see a poor man in distress; the two Watsons were there; I understood the meeting was to petition for a reform in Parliament, the elder Watson made a speech; it was a small room, there might be thirty people there; Preston said, petitions had been sent to Parliament so often, it seemed to be of no use; I thought it irregular that one of the party should propose a petition and the other oppose it; the elder Watson produced some paper to the meeting, and it was said to be a memorial, the elder Watson read it; I was nominated to the chair, and Watson junior was secretary for that evening. I attended at the same house again, on the Thursday evening following, I did not know where Preston lived at that time; I have been at Greystoke-place, I think No. 9. I had seen an advertisement in the Independent Whig, convening a meeting at Spa-fields on the 15th of November, with my name to it. I saw Preston at No. 9, Greystoke-place; Thistlewood came in and was dressed very much like a gentleman, he was dressed in Hessian boots; this was before the first meeting; I went in consequence of my name having been put to the advertisement, which was without my consent."

On his cross-examination he says, "I am the identical person who was called the green-coated Orator at the Brentford election, I am very well known; my name was used without my knowledge and consent, in the first instance; I consented afterwards, but it was with great difficulty on my part; when I met, it was for constitutional purposes."

Thomas Makins says, "On Monday, the 4th of November I went to a public-house in Slaughter-street. I saw Watson the elder there, and a young man, whom I believe to be young Watson, and Thistlewood. The elder Watson read a memorial, and there was a proposition to

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called meeting at five different places; the Carlisle Arms was one. I attended that meeting on the Thursday following, and saw there the elder Watson and Thistlewood. Thistlewood paid eleven shillings towards the reckoning, and the rest was made up by a man whom I have been given to understand was Watson, junior. The landlord of that place is Sheffield. A person of the name of Smith went with me."

Then John Sheffield is called. He says, "I kept the Carlisle Arms. On the 7th of November last, there was a meeting held at my house. I only knew Smith. The man who paid me wrote the name of Thistlewood, Southampton-buildings on the note. The reckoning was six shillings and six-pence."

William Smith says, "On Monday, the 4th of November, I was at the Sun, in Slaughter-street. A person of the name of Dyall was in the chair. I saw Watson the elder there. I was at the Carlisle Arms on the Thursday following. I cannot say that I saw Watson there. After the 7th, I saw men carrying placards on their backs. There were three or four in the Carlisle tap-room. Preston was in company with them, and paid them."

On cross-examination, he says, "I saw Preston give the men some money, but I do not know how much; for any thing I know, it might be something for them to drink. This meeting at the Carlisle Arms was for parliamentary reform. I heard Preston tell a man to roll the placards up, and to meet him the next morning."

Robert Emery says, "I keep the Union, in Union-street, Shoreditch. Before the first meeting in Spa-fields, there were thirty or forty people at my house, but I did not know who they were. One person paid. I do not know who that gentleman was."

James Shuttler says, "I have seen the prisoner Watson. I became acquainted with him at the Nag's Head,

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Cumaby-market, in or near October. I walked with him and Castle towards the Regency Park." This is the person who is referred to in Castle's evidence, as being the person with whom they were in company when they went and looked at the Portman-street Barracks, and the King-street Barracks. "I went with him and Castle towards the Regency Park, and into King-street and Portman-street, and Hyde Park. There are barracks in King-street and in Portman-street. When we got to them, they stopped; I walked on. They asked me, whether I could ride, and I said, No. One of them said, he had been at the Barracks before, but which I do not know; there was a dispute about the entrances into the Barracks."

Thomas Osborn says, "I know Castle. I met him a few days before the first Spa-fields meeting. He asked me if I was out of employ, and I said, Yes. He told me, he would tell me of a job, and asked me if I could tell him of five or six more. I told him there were several at the Constitution; and on the Monday night he came there with Thistlewood, and treated us with some beer. The Constitution is a public-house at Lisson Green, frequented by working men. Castle directed me to meet him at the Cock in Grafton-street, at twelve o'clock the next day. We went there. There were six of us; and we had a shilling a-piece given us and bills put on our backs. We went in, two by two, to have them put on. Mr. Preston and Mr. Castle were there. We took the bills about the streets. This was about a week before the first Spa-fields meeting."

On cross-examination, he says, "There were not many navigators then attending the Constitution. I did not see any. I lodged at the house at the time, but I was seldom there but of a night."

Thomas Wood says, "I am the landlord of No. 9, Grey-stoke-place. I was applied to about that house, near

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quite three weeks before Michaelmas, by the prisoner Watson, to carry on the profession of a surgeon. I let it to him by the week till the Michaelmas quarter began, and then by the quarter. I understood he took the house for himself. I often passed, but never went in. Watson wished me to make an inner door in the passage, which I consented to; but it never was made. There were two rooms on the ground floor, one in front and one behind, and there was a passage. I often passed, and I saw no appearance of business as a surgeon. I wondered at it. I never observed that it was shut up in the day. I never passed it so soon as ten o'clock in the morning."

Mary Apted says, "I had the care of a house belonging to Mr. Cosser in Seymour-place, last November; that is about a quarter of a mile from King's-street, and a little more than a quarter of a mile from Portman-street barracks; I recollect a good many people coming to look at it, but do not remember any particular person; I recollect referring some persons to Mr. Cosser about the house; I do not know whether there were many houses to let in that neighbourhood about that time."

Mr. Cosser says, "I am a timber merchant in Millbank-street; and am the owner of a house in Seymour-place, of which Mary Apted had the care; I had many applications for this house in October and November; in the latter end of October, or the beginning of November, a young man came to me of the name of Watson; that young man referred me to Mr. Thistlewood, Southampton-buildings, Chancery-lane; he said, Mr. Thistlewood was a man of respectability and fortune. I went to Southampton-buildings, and asked for Mr. Thistlewood, and was shewn up two or three pair of stairs; I told him Watson's application, and that he had referred me to him, to vouch for his character. Thistlewood told me, that Watson was of a respectable family in Lincolnshire; his father was a farmer,

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farming to considerable extent, and he would be answerable for him on every score. Some person called; I am not sure whether I saw the person or sent a message; the answer was, that I would not let the house; the difference in dress is so great, I feel it impossible to speak to the person, being near-sighted; I cannot positively say that the person I saw, is the prisoner Thistlewood; to the best of my recollection, he was dressed in a blue coat and worsted trowsers. The person who called, said it was for an oil and seed shop, for the sale of oil and of seeds; I understood it was for the use of the person applying; I think my refusal was two or three days after I had been at Southampton-buildings."

On cross-examination, he says, "I cannot state the precise day of the application; I cannot be very accurate as to the whole of the conversation; he said, his father was a farmer." The witness was asked, whether it might not be his grandfather, or his uncle, or some other relation; he says, "to the best of my recollection it was his father, but I will not be sure. I asked sixty pounds a year, and to be paid for the fixtures; and I mentioned seven or eight pounds as the sum to be paid for the fixtures; the sum did not exceed that amount; I forget whether I mentioned to him, or sent word afterwards, that there must be a quarter's rent paid in advance."

Margaret Maria Folkes, says, "I lived servant in Southampton-buildings, Chancery-lane, with Mrs. Corbould; I went in September, and left on the twenty-ninth of November last; Thistlewood lodged there; I was there when Thistlewood came, Mrs. Thistlewood came with him, and a young boy, about ten; I recollect a young man calling on Thistlewood, who was called by the name of Watson; he called frequently, and sometimes dined there; his visits were more frequent during the latter part of the time. The prisoner Watson used also to call; and the prisoner Watson

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prescribed for me, because I was ill. Thistlewood used sometimes to dress in a light blue coat and coloured trowsers, and sometimes in a dark great coat; he had no other dress; his hair then appeared lighter than it does now."

Eleanor Corbould says, "I have a house in Southampton-buildings; Thistlewood and his wife lodged with me; he left on the 2d of December; the day before the two Mr. Evans's dined with him, that is, on the Sunday; on the 2d of December he left home in the morning; he did not sleep there that night; he had not signified any intention of leaving the house at that time; Mrs. Thistlewood and the child remained till the following evening."

Barbara Smeed says, "My husband kept the Brazen Head public-house in Upper Lisson-street, near Paddington; the house is frequented by persons working on the canal; I recollect somebody treating them with beer, and those persons left bills; there was a bill put up; one of our officers took it down; it was put up by the same persons who treated the men; it was taken down that day, or the next morning."

Isaac Bentley is the smith; he says, "In November last my workshop was in Hart-street, Covent-garden; I worked in the cellar under ground; I know Castle; he applied to me, and wanted to make a pattern at my forge; I made one, but I did not finish it; he took it, and filed it up himself; he carried it away; I saw him again in about an hour, and he bade me get on in making them, to make about fifty; he said they were wanted, I think, for a park or a rabbit-warren, and before I had made fifty, he bade me make two hundred and fifty; he gave me ten shillings in advance; they were made against the 9th of November; Castle and another man came for them; they put them into two nail-bags; they both came to my cellar; they took them away; I was paid for them at Mr. Winkfield's, the corner of Leg-alley, in Long-acre; I made out a bill,

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but I gave no receipt; they were both together when I received the money; those are the spikes;"—(they are produced, and he looks at them;) he says, "They did not require any receipt; I am not certain there was no bill; they paid me nearly five pounds;" he had before said, "I made out no bill, and gave no receipt;" "Castle ordered them as for the tops of rails; when he ordered them, John Harrison was with him; Castle said they were for a rabbit-warren, or something of that kind; he came after the first pattern spike was made, and ordered fifty, and then two hundred and fifty, and then up to five hundred; that he filed, he made much sharper than this; he seemed to handle the file very well; I had never made any thing like these before that time."

William Winkfield says, "I keep a public-house at the corner of Leg-alley, Long-acre; I saw Bentley, with two other persons, in my house last November; I cannot say whether Castle was one of them or not;" he only speaks to there being two persons in Bentley's presence; "I gave Bentley change out of a pound note."

Thomas Cox says, "I was in the employ of Messrs. Parkes and C°; they are ironmongers; I remember a person coming one morning in November, and asking for two nail-bags, a man about five feet nine high."

Then, Gentlemen, we come to the fifth day.

William Tull says, "I am principal clerk of the works of the ordnance department in the Tower; I know the Tower, and all the parts of it;" he looks at that paper found at young Watson's, which you have seen to-day, and says, "This is a rough hand sketch of some of the interior part of the Tower, not done with any skill; any person might make such a sketch."

William Thompson says, "I live at N° 101, Fetter-lane, the corner of Greystoke-place; my father is ground

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landlord of N° 9; there are two rooms on a floor; the back room has no external window; it is lighted by a sky-light all the way up; Mr. Wood holds the house under my father; we had the key when it was to let."

Mary Kinsley says, "In the month of November last, I lived at No. 1, Dean-street, Fetter-lane; Watson, senior, took lodgings at my house, on the Wednesday before the second Spa-fields meeting; he was there from the Wednesday to the Monday, then he left; he left it the day Mr. Platt was shot; he took a parlour for himself and his son; there was a bed in it; the bed was to be made every day; it used to be made towards evening; I have two keys to the parlour door; Mr. Watson had both, so that they could let themselves in and let themselves out; the outer door was on the latch, they could get in and out as they pleased. On the Sunday I took in dinner; there were several persons in the room; I think I had seen some of those persons in the room in the course of the week; I think there was somebody like Hooper in the face; I saw Preston there and Thistlewood; Thistlewood is altered in his dress; I think he is the same; he had on light grey pantaloons, and a dark blue or a dark green coat, and a white handkerchief; pens and ink and paper were on the table while they were there. On Monday morning I found the Watsons were gone out; I did not see any of them all day, till about candle-light; the prisoner came then and asked me, if I had seen his son; his son had got the keys, and he could not get in; my husband who had another key gave him that, and I did not see him afterwards; he did not intimate that he was about to leave the lodgings; there were great coats in the room at night; there were none there the next day; afterwards a young woman brought the key to open the door, and my husband took it away from her; then Preston was fetched; I never saw young Watson after the day of the riots." She was asked, whether

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she did not go into the room herself with her own key? she says, "I never did, except the Monday evening."

John Gilling is next called. He is one of the persons mentioned by name in Castle's evidence, as being a person who had been a sergeant in the Guards. He says "I belong to the 3d regiment of Foot Guards; I was quartered for some time at a house in Norfolk-street, called the City of Norwich Arms; I became acquainted with Castle, he treated me, and four young men who were servants out of place, with beer; he was there three times; he treated me every time; I was there when I was off duty; I do not know whether he treated others; once there was a gentleman with him, he had a great coat on; Castle told me that the gentleman had been a lieutenant; that was loud enough for that gentleman to hear; he told me he had lately come from France; so had I; I had just been reduced from being serjeant, and I had got a serjeant's jacket on, and the conversation turned upon how I came to be reduced; he was talking about the French army; I drank with them; I walked down the street with them; Castle asked where I should be the following day, he would call upon me, and give me something to drink; I said I should be on the King's guard; Castle was speaking in the house about the Spa-fields meeting that was to be; it was shortly before that I said, if either of them would give me his address, I would send them word where I was the next day, if I was not on guard, but they spoke privately to each other; and then Castle said, I will come to the guard, and if you are not there, I will inquire for you; this was about half a mile from Knightsbridge; I had not regimentals on." He explains that afterwards, that he had not his full uniform on. He says, "We are not allowed to go out in the evening in our full uniform, I had a red scarlet jacket on; Castle began the conversation with me, and he then observed my dress; he said, 'Gilling, I know

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your father and relations, you come from where I do, from Knaresborough;' this was the first time I had seen Castle; Castle did not know I had been reduced till I told him; I think I saw Castle once afterwards; when the conversation passed I was dressed as a soldier, though not in full uniform."

Mr. Justice Abbott. What Castle said, was this, "In one of the houses we saw Gilling, a serjeant in the guards, and conversed with him."

Mr. Justice Bayley. James Brown says, "I am a soldier in the Coldstream regiment. I know the Stone-kitchen public house in the Tower; from three to five days before the riots, I saw a person like Hooper there; he came down stairs, and asked me if I would go up and take something to drink; I staid there from ten to fifteen minutes. The man took a bunch of ribbons from the inside of the crown of his hat; they were dark coloured; he asked if we had ever seen such a thing as that before; there were other soldiers there; the conversation was addressed generally to the soldiers in the room; he said, should not you like to have a big loaf, and there were very few soldiers but felt the distress of the times, as well as others; he said, that times would never be any better till there was a fresh set altogether. I did not notice that there were any persons in the room but he and the soldiers; I drank some beer, but I did not pay for it. There might be a good deal of mixed and general conversation; I think it was a wet night; I do not say that one of these persons was Hooper; I am not sure about it; I heard no whispering in any corner; I do not recollect that the Spa-fields meeting was mentioned; I do not know Castle;" therefore, all that he says, is, that there were two persons there.

William Harris says, "I am a soldier in the Coldstream. I was in the Tower in November; it might be a week, or not so much, before the disturbance in the Minories; two

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persons came in; Hooper was one; he called for a pint of beer, and began to speak to the soldiers, but I do not know to whom; there might be a dozen soldiers there; he called for half a gallon more, and the soldiers drank of it. Papers were dropped by one of them by the side of the table; he said, hand those about to your comrades when we are gone; I did not hear what the bills were about; they asked us if we should like to have a big loaf; I do not know which asked; they asked what we should do if the mob came into the Tower; we answered, we should do our duty; then they asked us whether we should like to get out of our regiment; some of the soldiers said, then we should starve to death; Watson said, no, no, no, you would not; that was all I heard; I went away."

On cross-examination, he says, "we would have done our duty; we were not afraid of the mob; the conversation made no impression upon me; many gentlemen give the soldiers a pot of beer; if I had thought this wrong, I should have told my commanding officer; but I did tell my company that I had had beer; there was not much difference between the two, as to talking; sometimes one spoke, sometimes the other; each must have heard what the other said."

Charles Nailor, says, "I am a soldier in the Coldstream; I was in the Tower in November; I recollect being at the Golden Chain public house, shortly before the riots in the Minories, not many days before; I saw two gentlemen come in; they called for a pot of porter; Hooper was one; they asked if I would accept of it; I drank it, they drank none; one of them rolled up some hand bills, not the man who gave the porter; they put them into my hand slily, and bade me look at them when they were gone, and if we were ruled by them we should be made gentlemen in a short time;—those words were particularly addressed to me, but they were loud enough

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for his companion to hear; as I could not read, I gave one to a man named Buchanan, and I heard Buchanan read it in the Mess Kitchen."

On cross-examination, he says, "the bill made very little impression upon me;—in these suttling-houses there are other people besides the soldiers, but they must give an account of themselves, before they are allowed to come in; I had one bill back from Buchanan, I tore it to light my pipe."

George Buchanan, says, "I am soldier in the Coldstream Guards; I was on duty at the Tower in November last; Nailor brought me a printed bill, and desired me to read it; this was in the Mess Kitchen; I read it aloud; there were twelve or fourteen soldiers present; it mentioned, that there were so many millions in a starving condition in the country, that their brothers in Ireland were in the same condition, and ready to rise at once;—I do not recollect any thing about any meeting, according to my recollection of it; the paper certainly contained very inflammatory expressions; I read the paper over only once, and returned it to Nailor. I think I am correct as to its contents."

James Chappell, a publican, in Long Acre, says, "My house is frequented by the soldiers upon duty at the theatre;—shortly before one of the Spa-fields meetings, two persons came to my house, and treated the soldiers with two or three pots of beer; I cannot say whether it was one of the prisoners; I believe not."

William Hillyer, a publican, says, "I keep the Dover Tap in St. George's Fields; a gentleman of the name of Maudsley has a factory there, an iron factory; three or four of the men dine at my public house most days, at one o'clock; I know Preston, and I know Castle, they came to my house together on November last, it might be a few days before the riots in the Minories; there were others in

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the public house; I do not recollect that they brought any bills that day; I believe it was about noon; some of Maudsley's men came in whilst Preston and Castle and their party (there were four or five of them) were there; on going he said, 'You will be there,' and Maudsley's men said, 'Certainly, we shall;' I saw Castle there at at other times at that dinner hour, but never saw Preston with him but that time."

Richard Statham, a soldier in the Coldstream, says, "I was stationed in the Tower in November and December, shortly before the second meeting in Spa-fields. On the Thursday or Friday before, two persons came into the Stone Kitchen; I think Hooper was one of them, and gave the soldiers beer; the person with Hooper was taller. There might be ten or eleven soldiers there; I did not attend to what they said; but one of them, that was the taller, took hold of the pot of beer, and said, 'Success to a big loaf;' that was the first pot; they gave six or seven pots; they staid about half an hour; the taller came up to me, called me countryman, and said he came from Sheffield, and gave me a glass of gin, and afterwards he gave me a shilling, and said that was for half a gallon of beer, which would come to eleven-pence; and then he ordered that they should take some tobacco with the other penny."

William Mortimer, says, "I was a soldier in the Coldstream; I was in the Tower in December, shortly before the meeting in Spa-fields. Two men came into the Stone Kitchen, Hooper was one, the other was taller; one of them produced some printed bills; there was no conversation about the Spa-fields meeting; a shilling was given at the bar by Hooper, for beer and tobacco; the other man said he was a Yorkshireman;" that other man, if you believe the account given by Castle, was Castle himself.

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Thomas Robertson, says, "I was in the Coldstream, stationed in the Tower; I was in the Stone Kitchen on a Sunday night, shortly before the Spa-fields meeting; two men came; when they were going down stairs, one of them took a large bunch of ribbons out of his hat, of different colours, he waved them round his head, and said he hoped they would all wear the same colours. I think it was the shorter man that did that."

William Duke says, "I live in the New Cut between Blackfriars and Westminster Bridge; I have many carriages for sale; three or four days before the Spa-fields meeting, two men came, a tall man and a short one, they asked if I had got a stage to sell, I said I had a mountebank's stage; they went to look at it, and said it would suit their purpose; I asked them ten pounds for it, they hesitated, and then they said they wanted to hire it; I said, I never let out any thing; they wanted it to go to Spa-fields meeting, to make a speech upon; there was a society of them."

William Ware says, "A few days before the second Spa-fields meeting, Castle asked me to recommend him where he could borrow a waggon; I recommended him to Mr. Windemude."

Frederick Windemude says, "I live in Horseferry-road; on the Wednesday before the second of December, Castle applied to me for a waggon, he said Mr. Hunt had a few speeches to make on the Monday; Government had offered to erect them hustings, but he would not accept them, and he would speak from the waggon; this was at the side of the shop; he came again on the Sunday, with Hooper, and sent for me to the Ship; to the best of my knowledge, I received from each directions where I was to take it the next morning; I was to take it to the top of Chancery-lane, Holborn. Castle produced a hand-bill and stuck it up in the public room. Castle had a great quantity

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of ribbon, fifty or sixty yards; he gave the servant of the house about a yard and a half; they both wanted to dress my horses with those ribbons, but I denied it, and said they should not. On the next morning, I and the boy went with the waggon to the top of Chancery-lane; Hooper and Preston came to me there; they bade me stop there till they returned. Hooper and Castle afterwards brought something wrapped in a blanket, and something in a handkerchief; a long pole was in a blanket; Hooper rode in the waggon all the way; to my knowledge I never saw Castle before he came to me in the way I have described. Two other gentlemen walked before; they told me to follow them, which I did to Spa-fields; Hooper and the other two gentlemen bade me stop, and then I had the horses taken out; I had twenty shillings from Castle on the Wednesday, I had two one pound notes from him on the Sunday, and I wanted thirteen shillings more; the two gentlemen who walked before the waggon were I believe Thistlewood and young Watson. I asked for the thirteen shillings, and Thistlewood said, If it was five hundred pounds you should be paid; they opened the blankets, and then they took out flags; the last speaker on getting out of the waggon" (and that according to the testimony of Dowling, was young Watson) "said 'Follow me,' and they got out; the mob all followed him, and the colours were taken by them; I then found in the waggon a piece of cloth in a handkerchief, cloth or stocking, and in that there were bullets, and some slugs, and a tin canister; I gave those to Yeomans my son-in-law. I think Castle put the handkerchief into the waggon; Hooper was with him."—Therefore you see Windemude, in addition to the two Sheermans, confirms that fact of the last person who got out of the waggon calling out to the people to follow him.

On cross-examination he says, "When Castle first

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came to me about the waggon, he was alone; it was at the top of Chancery-lane I first saw the person, who from the description, I suppose to be the younger Watson; whether that was the same person who used the expression, Follow me, I am not sure. There was a great deal of noise during all the time that the speeches were going on; there was a great deal of crowding and jostling during the whole of the time; the thing in which the bullets were found was a kind of worsted glove."

Thomas John Yeomans says, "I took out the things which were in the waggon, there were a cannister of powder and some balls and slugs."

James Gillmor, the police officer, says, "he received these things at Windemude's; he produced them; there were about sixty bullets, half a dozen slugs, and a small quantity of powder."

Ann Hayes says, "I lived servant at the Ship, at Horse-ferry-road; shortly before the Spa-fields meeting I saw Castle there, twice one Sunday I saw him there with Windemude; Castle gave me that ribbon; there was another person."—I think who that person was, has been spoken to by different witnesses.

Then, Gentlemen, some witnesses are called who prove the fact of certain arms being purchased.

Thomas Stacy says, "I live in Queen-street, Camden Town; my shop is in Charlotte-street, Portland-place; one Castle bought of me some sabres not a week before the Spa-fields meeting; he took a sabre, and he took a dirk."

George Flint says, "I am a pawnbroker, at 89, Edge-ware-road; I sold some pistols to Castle; I sold him but one pair, but I took the money for two; the second time he came, he took away the first pair, and paid the remainder of the purchase money; and bargained for a second pair."—That exactly corresponds with Castle's account of that transaction.—"He bargained for a second pair, and

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paid a pound; he came for them on the Sunday morning; he came for the first on the Saturday evening; he represented himself as a Bow-street patrole, and said he was ordered by the magistrate to get arms, on account of the disturbances that were expected on the Monday."

Gentlemen, the last witness called on the part of the prosecution, is William Mills, who says, "I am foreman to Mr. Parker, a gunsmith in Holborn; in November last"—he does not specify the day; but "in November last, I sold a pair of pistols;" which are those found upon Hooper; "to a young man, who gave me his name as Watson, Hyde-street; the same person came again the same day, and bought two more."—Then he looks at one which is produced by Worrall as found at Beckwith's; and he says, "that is one of the two;" he looks at another, which is produced by Miell, and which was found upon Watson, senior, the prisoner at the bar; and he says, "that is another;" and he looks at those which have been produced by Stephens, which Stephens had received from Cartwright, and which Cartwright had received from Hodgetts, taken from Hooper; and he says, "those are the other two;" therefore those four pistols, which sometime in the month of November last, Mills sold to a person, who bought them in the name of Watson, are now produced; two of those being traced to the possession of Hooper, on the second of December; one of them being traced to the possession of the prisoner at the bar; and the fourth being traced to the possession of that man who was in Beckwith's shop at the time when Mr. Platt was shot. You will recollect, Gentlemen, that when Castle was giving his evidence, he represented that young Watson gave an account, in the presence and hearing of the prisoner, and the witness, that he had been buying those; and Hooper had one pair. There is certainly

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a very important confirmation in that respect, of the testimony given by Castle, the witness.

Lord Ellenborough. The evidence that was given for the prisoner consisted first of Mr. Hunt: he says, 'My name is Henry Hunt. I live at Middleton Cottage, Hampshire. I have not had a subpœna from the Crown to attend on this prosecution; I was subpœna'd by the prisoner. I was present on the 15th of November at the Spa-fields meeting, and made a speech at Merlin's-cave. A motion was made to adjourn the meeting to a future day; some day after the meeting of Parliament; but an alteration in the day was proposed by the younger Watson. The father of the younger Watson said, on his son's proposing an alteration, he would endeavour to prevail on him not to propose an alteration, it being too early and unnecessary. Both were standing by me, side by side. This took place at the window of the room in Merlin's-cave. The elder Watson had addressed the meeting. There was a general cry of 'Adjourn the meeting,' and I do not recollect which was the day of adjournment proposed, the second day, or the second week after the meeting of Parliament. The elder Watson endeavoured to keep the younger back. The younger Watson was sent forward from the back of the room to propose that. I dined on the 15th, the first day of the Spa-fields meeting, at Cooper's hotel, Water-lane and Bouverie-street. I believe his Christian name is Robert. I have known Mr. William Bryant four or five years; he had engaged to order dinner there for himself and me at five o'clock. I had not invited any person, or expected any person to dine there. I found Mr. Bryant there with his son, a little boy; he told me he had ordered three whitings and a chop; the cloth was spread for three. I remember Castle coming into the room; it was a private room, and

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not a public coffee-room. Castle, and many with him, came in; the two Watsons, Thistlewood, Clarke, who was the chairman at the Spa-fields meeting, and several other persons, I think. He (Castle) did not come in by my desire. I was not surprised to see Watson and Thistlewood come into the room, although I had not invited them; but parties at such meetings frequently dine together afterwards; but I was surprised that Castle and several others did. I remonstrated with them, as did Bryant, that it was a private room, and gave them a hint to retire. I do not think I had seen him before that day. I saw him with a flag at Spa-fields that day; he was unfurling a flag, and fixing it upon a pole; he brought the flag to Merlin's-cave, and fixed it at the side of the window. I saw nothing more of Castle, till he came into the room in the evening; possibly some might retire upon my hint, but one of them proposed to have some chops with us. The answer of Mr. Bryant and myself was, that dinner was prepared for three only, and that they could not therefore partake of it. One of them, I believe, Castle, rang the bell;"—Castle has said that he did not ring the bell, and Hunt does not state positively that he did;—"and he said we will order some beef-steaks to be added; and fresh steaks were ordered to be added. A cloth was laid. I believe it was Castle who rang the bell. I think he was not in the least in liquor; he was forward and officious, but not at all in liquor. There sat down ten or twelve to the dinner which had thus been added. The elder Watson and the younger were of the party, and Thistlewood. I had seen them the day before; Thistlewood and Watson were the names which they gave me. Castle sat down also, and the King's health was drank; it was given by Mr. Bryant at the head of the table. I added, you had better give no toasts at all. It passed all round, till it came to Castle. Clarke sat next to me, and Castle the

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next. When it came to Castle, he began in a loud tone, 'May the last of Kings be strangled'—I rose from my seat, and stopped him, saying, that no such language as that should be used in my company. Castle followed it by saying something about 'guts of the last of priests.' This was apparently reprobated by the whole party, particularly by Bryant, myself, and the elder Watson. On this Castle made a sort of apology. Castle in the evening burst out, 'damn you, the soldiers are our friends.' I said, 'pray what have we to do with soldiers here;' he intimated he had frequently had conversations with them; I said, 'more fool you;' on one or two occasions he was expostulated with by the elder Watson for his violence; Castle was the general spokesman of the evening; he related a story of his being instrumental in taking two French prisoners out of the country, for which he said he had been imprisoned two years in Maidstone gaol; I intimated to the elder Watson, 'pretty company you have introduced us to;' Bryant added, 'pretty society we have got into indeed;' he said he had received five hundred pounds for carrying these prisoners out of the kingdom, and that he was to have had four hundred pounds or five hundred pounds for aiding in the escape of another, but was disappointed; that his disappointment arose from his not being able to get that French prisoner to ride on horseback; he had carried him a considerable distance in a cart, when he found it necessary to place him on horseback; he refused to ride, upon which Castle said, 'I drew out my pistol and waited some minutes, considering whether I should not shoot him.' Bryant and I appealed to Watson, or some of the party, on the necessity of taking their friend away; I believe the younger Watson on that, attempted to justify his assisting in the escape of the prisoner; the elder Watson disapproved it; after this he produced the flag which had been at the fields, with a vulgar exclamation, that that was his

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flag, and he would have his heart cut out before he would part with it; he said a Spitalfields weaver had made the silk, and he prepared the rest of the flag; I said, 'Pray, Sir, who do you think would attempt to take it from you, let me see it?' I spread it out and read the words of the motto; I said, 'I see no harm in flag or motto, but am surprised at your violence about keeping possession of it; I believe this subject was previous to talking about conveying out the French prisoner; he produced two or three cockades."

My learned Brother will have the goodness to resume the reading.

Mr. Justice Bayley. "He then produced two or three knots of ribbons, cockades apparently, of the same colour as the flag, and he offered me one; I said, 'you had better give it to your sweet-heart, if you have got one,' or something of that sort; he offered it then to Mr. Bryant, who said, 'Oh yes, I will take it, it will do for my pretty little maid,' or something of that sort, and put it into his pocket. After the history of the French prisoners, I got up and declared that he should go out of the room or I would; I should have assisted to have turned him out of the room; upon which Mr. Bryant, or some other person, said, we had better not make any bustle; and then I said, if he uttered one more sentence of that nature he should go out of the room, or I would; he expressed some sort of contrition, but said no more. In a very few minutes I saw him rolled up in his chair, fast asleep; at first I expressed pleasure that he was silent; soon after that I observed one of his friends endeavouring to awake him by shaking him; upon which I said, 'for God's sake let that fellow alone, he is best as he is.' Some of the party proposed going, and I desired the first that went that he might be awoke, and might go out with them; his friends endeavoured to awake him again, but without success,

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although considerable violence was used; on which I got up to assist to wake him and used no gentle means, for at that time I was thoroughly convinced his sleep was a sham, and saying, 'Come, this fellow shall go,' I struck him a blow under the ribs quite enough to have knocked any common man down, but it made no impression, he sat as still as if he had been dead, and I gave up the attempt to wake him; and with a full conviction upon my mind that it was a sham, I rung the bell and ordered the bill, which came to between five and six shillings each; the dinner was three shillings per head; no one in the room appeared the least intoxicated. On my expostulating with old Watson about his bringing in such a fellow, he said he was a very good fellow, a little indiscreet and violent, but he was an excellent fellow, and he hoped I would take no notice of it; and he appeared to have the greatest confidence in him. Then the whole party got up, put their hats on, and Mr. Castle was as wide awake as ever. I came again to town, to attend the second Spa-fields meeting; I came on the Friday; the meeting was to take place, according to the resolution unanimously carried at the meeting, precisely at one o'clock; in my way to Spa-fields I passed through Cheapside; I was driving a tandem; I observed a considerable crowd passing near the mansion-house; Castle left the crowd, and came up to me, and stopped me fifty yards on this side Bow Church; I was driving rather slowly and looking out for information of what was the cause of the crowd. I do not recollect that I beckoned to him, but I met his eyes as he came out of the crowd; he stopped me; I very readily stopped; he said 'for God's sake how came you so late to the meeting,' or 'so much after your time,' or something to that effect. I said 'after my time!' and I turned round and observed it wanted nearly twenty minutes of one by the clock, and a quarter

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by my watch; I was all in good time; he said 'the meeting has been broken up these two hours; we are going to the Tower, which has been in our possession more than an hour; come along.' I struck my horse, and exclaimed, 'a damned scoundrel,' and went on; if he had not got speedily out of the way one of the wheels would have struck him; I drove on to Spa-fields meeting, where there was much the largest collection of people I ever beheld."

He says on cross-examination, "I have reason to believe that Hooper was at the dinner; Preston was not,"—and if you recollect, in Castle's evidence, Castle says Preston was not there—"we continued together nearly two hours and a half or three hours; the adjourned meeting was to take place at one; Watson knew that, I have no doubt of it."—That will be important also for your consideration, because you will recollect that the placard fixes twelve, and that they left the place considerably before it had reached one, before the time therefore when the meeting was to commence. He says, "my servant was with me in the tandem;"—that servant has not been called; he might have been called certainly; if he had heard and recollected what Mr. Hunt has described he would have been a competent witness to contradict the evidence of Castle. Mr. Hunt certainly does contradict Castle in one or two circumstances as to what was passing at the dinner on the 15th of November; and he also contradicts him as to the expression which was made use of according to his recollection of it at the time when they met in Cheapside. Which of the two is accurate in his recollection of what was said, is a question which you will by-and-by take into your consideration. You know perfectly well that expressions very often are misunderstood by parties, particularly when they are in the haste in which it is probable all the parties concerned in the transactions of that day

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were likely to be; the one may not recollect accurately what he himself said, and it may happen that the other may not accurately recollect what he thought he heard.

William Bryant says, "I have known Mr. Hunt four or five years; I went to Bouverie-street to meet Mr. Hunt, at five o'clock, on private business. Mr. Hunt came; the dinner was ordered for three; my son a little boy, myself, and Mr. Hunt. Almost immediately afterwards six or eight men including Castle came in; they dined with us very much against my inclination. Castle went and rung the bell himself, and ordered additional dinner. I think Castle was perfectly sober when he came in; I did not see any thing to lead me to think that he was in a state of intoxication."—Now there Bryant describes Castle as being the person who rang the bell; Castle in his evidence says, he did not ring the bell. Hunt says that he believes it was Castle, but he is not sure. Whether Castle did or did not ring the bell is certainly not a very material circumstance in the history of this transaction; and it would not impeach the credit of the testimony of Castle in any material respect, unless you were satisfied that at the time he was giving his evidence, he knew he did ring the bell, and for wicked purposes denied that fact, he says, he did not appear to have been drinking. I objected to stay, unless I was in the chair. I gave the first toast 'The King;' it was drank till it came to Castle."—Now Castle has certainly said in his evidence, that the toast of 'The King,' was not given; that he never heard any such toast given, and if the toast really was given, and he heard it, and knew at the time when he was giving his evidence, that it had been given, that would certainly impeach the evidence that he gave. He says, "It was drank till it came to Castle, and he objected to it, and said he would drink no such toast: and he drank this, 'May the last of Kings be strangled by the guts of the last of Priests.' I

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remonstrated very much,"—as any man naturally would who had heard a speech of that description.—"I said to Mr. Hunt he ought to be turned out. Hunt on this interposed, and so did Watson, immediately on the toast. He said, Perhaps you do not know how much I have been injured by the Government of the country; I have been confined two years in some country gaol, I believe it was Maidstone, for carrying off French prisoners. I recollect he said that one, when he got near the vessel, would not ride on horseback, and I had a great mind to shoot him. After some further conversation, he began to talk about soldiers, and I remonstrated with Mr. Hunt for suffering the man to be in company; and Mr. Hunt said, I must put an end to this sort of language, or you must quit the room; he said he would turn him out if nobody else would. This was spoken sufficiently loud for Castle to hear. Castle afterwards produced a flag, and I asked him what the colours meant; I thought it meant the French Revolution; but Watson (the prisoner) said it did not mean any such thing, and he gave a classical explanation of the three colours: that the white meant Truth, the green Nature, and the red Justice. I wanted to get out of the company, and desired my son to ring for the bill, and then Castle was in a sound sleep in a minute. The more they tried to wake him the sounder he seemed to sleep; at last I bade Hunt shake him, which he did; I got the bill paid, and got away."

Gentlemen, you will observe upon that, that when Bryant and Hunt are giving an account of the transactions of that day, they do not very accurately agree in the account which they are giving; because I think, when Hunt gives the account, he describes the blow given to Castle as before the bell was rung for the bill, whereas Bryant describes it to be after the bell was rung for the bill.

On cross-examination he says, "Castle had no money,

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and I do not know who paid for him;"—[illegible] not paid for according to this witness's account, by any of his own party; he says, "I think Watson was the first person who attempted to wake him; I don't recollect Hunt's striking him."—One would think, if it was such a blow as Hunt has described, it would be sure to be in his recollection.—"He was not very well dressed; he is now so much better dressed than he was then that I should hardly have known him."—The witness being asked, why he was not turned out, says, "I was afraid that I should endanger either my own safety, or the safety of the house, almost in case he had been turned out; and therefore that was the reason why he was not turned out at that time."—Gentlemen, both of these witnesses concur in that toast being given, which Castle himself admits to have been given; and there is no man of common sense and common feeling, who must not in the strongest terms reprobate the giving of such a toast, and hold in a considerable degree of abhorrence, a man who would give such a toast; and yet you do not find that that induced the prisoner at the bar, or the other persons associating with him, to discard him from that time; but they were continuing in habits with him from that time down to the 2d of December.

Gentlemen, no doubt Castle is contradicted by Hunt and by Bryant in some of the particulars they have stated; they are very immaterial circumstances with reference to the main question under your consideration; but they are circumstances that may or may not assist you in some degree in appropriating the credit which is to be given to Castle; if they were to convince you, that when Castle was giving his evidence upon those points upon which he is contradicted by these persons, he was knowingly and wilfully giving false answers upon those points, that would add to the discredit which would previously have attached upon him in consequence of his being originally engaged

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in this transaction, and in consequence of other different circumstances of wickedness in which he himself admits he has been engaged; but unless this satisfies you, that upon some points he is wilfully and intentionally stating false answers, the contradiction he has received, even if you believe Hunt and Bryant upon those points, and not Castle, will only strike out from the case those points to which the contradictions apply; but will not impeach the other parts of Castle's account. Gentlemen, you will be very materially assisted in forming your judgment with respect to the credit which ought to be attached to Castle, by considering all the different parts in which, from beginning to end, Castle is confirmed; he has, in many parts of his evidence, referred to persons as being present at many of the transactions in which he describes himself to have been engaged. In a very great many instances you will find that those persons have been called, and those parts of the transactions to which he has spoken, have received confirmation from the testimony of those additional witnesses. You will have the opportunity of looking through all the evidence, and very likely have looked through the whole of the evidence with that view, for the purpose of seeing whether any witness who could fairly be expected to have been called on the part of the Crown to confirm him in any of the particulars which he has stated, is not brought forward, and does not essentially confirm him in all the different particulars which he has stated, I shall not go through them; you will recollect Cosser is one, Beatley is another, the soldiers at the different quarters are others, there are the men who carried the things upon their backs are others; he is also confirmed by the testimony of different persons who saw them at a variety of different places, I think, with the single exception, that Angel is not called for the purpose of saying, that he was present at that dinner on the 1st of December, and I do not know that

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that testimony would have materially added to the evidence; but, with that single exception, I am not aware that any one person has not been called, who could, by possibility, have spoken to any of the facts which Castle has himself spoken to; and I cannot help observing to you, Gentlemen, on the other side they have not called persons who have been referred to.

Gentlemen, they have called some other witnesses on the part of the prisoner. George Philpott says, "I have known Castle from the beginning of the year 1811; I did not see him for nearly two years; from the knowledge I have of him, and his general character, I should hardly think he is a man to be believed when speaking upon his oath." In fact, he says, "I should say he is not." That is the only witness who goes into that general evidence with respect to Castle.

Gentlemen, evidence of that kind juries are to receive as competent; you will consider how far it is material in the case of Castle. The circumstances of criminality, stated by himself, are such circumstances as would induce you to say, that he was a witness open to very great suspicion, and to be watched with the utmost care and caution by any jury who are to act upon his testimony; but, after having made that observation, and hearing the account which he gives; seeing the manner in which he gives the account; and feeling the extent to which he is corroborated, the circumstance of a single witness coming forward and saying, that he knows he is not to be believed upon his oath, does not of necessity strike from his evidence the whole of the testimony which he has given.

Gentlemen, you are aware that the counsel for the prisoner have this advantage, in all cases of this description that they are apprized, a considerable period before the trial, who are the different witnesses who are to be called; and therefore if any other witnesses could have been called

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upon this point, who entertained upon this subject the same opinion of Castle as Philpott, it would have been competent for the counsel for the prisoner to have brought them forward.

They then call some witnesses, in order to impeach Heyward's testimony.

James Lawson says, "I have known Heyward from a boy; I would not believe him upon his oath; I think he is not a person to be believed upon his oath; I never heard him examined upon his oath, but I think he is not to be believed upon his oath."

Mr. Haydon says, "I know Heyward very well; I do not think he is to be believed upon his oath."

Robert Curtis says, "I have known him for five years;" he will not go so far as the others—he says, "I cannot say he ought not to be believed upon his oath, but he is not a punctual paymaster."

George Spurrell says, "He knows Heyward, and he knows him to be a rogue."

Now, Gentlemen, upon the subject of Heyward's evidence, it is this, that he heard one of the persons, I think Thistlewood, apply to the soldiers at the Tower, making them an offer, that, if they would open the gates, the privates should either be made captains, or that they should have double pay; and you will recollect that Heyward was pressed as to that, whether he had or had not mentioned that fact to any other person; he stated at once that on the same day he mentioned that fact, in the presence of several persons, to a Mr. Bent, who kept a public-house in this neighbourhood, and his name was taken down with a view to an application to him, so that he might have been referred to, and he also described that he stated it to Ensor, in the check office in the Bank; but you will recollect also, that the fact of such language being used to the soldiers in the Tower, does not rest on the

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single testimony of Heyward, but that there are two soldiers, one of the name of Darlington, another of the name of Edmonds, both of whom speak to similar offers having been made to them in their hearing; this evidence does not, in the first place, destroy the testimony of Heyward; but if Heyward's testimony was out of the case, and unless you were satisfied that the evidence of the soldiers was liable to be impeached, the count, which avers the endeavouring to seduce the soldiers in the Tower, would still remain proved.

Mr. Scott says, "I am a reporter for the Morning Advertiser; I attended the second Spa-fields meeting, for the purpose of taking the speeches." He was asked how near he was; and he says, "as near as I may be to the jury: "I could not maintain my ground for a minute: I saw the prisoner was speaking, but I did not endeavour to take a note, and I never do in a mob; I could not have taken one; I think it could not have been done; I was pushed very much about; I could hardly hear any thing; the prisoner seemed to be complaining of The Prince, as far as I could understand; I left him speaking; I think it was after twelve o'clock." Now the object of that testimony is this, to induce you to believe that the testimony of Dowling cannot be accurate, and that the note he took could not be an accurate note. Whether Dowling could or could not take an accurate note must depend in a great degree upon the situation in which Dowling at that time stood. Dowling might be able to stand in a situation of much greater quiet, and much less liable to interruption than this person. And Dowling produced before you that very paper which he took at the time, when the meeting was going on; and from that very paper, taken in short hand, he read from beginning to end the account of this meeting. And you will recollect, Gentlemen, that one important part at least, and the most important part of

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Dowling's evidence is confirmed by the two Sheermans; namely, the invitation, "Follow me;" which they all state to be the last invitation uttered by the younger Watson.

Samuel Steers says, "I know Dowling the short-hand writer." You recollect no doubt, that a question was put to Dowling on his cross-examination, as if he was not giving his evidence with an unbiassed mind, but had a purpose of his own to serve; and that he had falsely answered certain questions put to him on the subject, of his having had the promise of an appointment, or expecting any such appointment. This witness says, "I had a conversation with him, in which he stated, that in consequence of his connexion with the treason prosecutions, he had been introduced to the Home Department, which had led to the employment of himself and brother, to the value of about three hundred pounds. That does not contradict Dowling. Dowling had been asked, "Have you any employment under Government? No. Have you been promised any employment? No, I have never been promised any employment. I have been promised I should be paid as a short hand writer, but nothing but for my labour as a short hand writer, and for my time. I said I expected to be remunerated for what I had done; but I never applied for any appointment, nor expected any." The utmost of the evidence of Steers is, that in consequence of what was done on the 2d of December, and the part he had taken, he has since been employed in the service of Government, which had been duly and fairly paid, and not beyond that; paid as a compensation for the trouble he had had; he giving up his time and labour to Government, and receiving a compensation.

Gentlemen, I have now gone through the whole of the evidence.

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Lord Ellenborough. Gentlemen of the Jury, I shall make a very few observations upon the latter part of this evidence. Nothing is more easy than to destroy, in a short and summary way, the credit of any person's testimony, by swearing, generally, that he is not to be believed upon his oath. The persons concerned for the prisoner, have a list of all the witnesses, meant to be called against the prisoner, delivered to them beforehand, and therefore know who are the persons to be called to prove the case against him. The persons concerned on the part of the Crown have not this advantage; they have no notice whatever of the persons that may be brought forward for the defendant, either to speak affirmatively to facts, on his behalf, in order, as has been done here, by one summary and compendious assertion, to strip any particular witness, who has been examined against him, of all title to credit, upon that or any other subject. If the persons concerned for the prosecution had known, or had reason to suspect, by a similar previous communication of names, who were likely to be produced, to divest their witness of all pretensions to character, and to expose them to the infamy of persons wholly to be disbelieved upon their oaths, they might possibly have produced witnesses against the discrediting persons themselves, who might say that the discredit and infamy which they attempted to fix on others, justly belonged to themselves. Under these circumstances of disadvantage on the part of the prosecution, this evidence is at present brought forward; declarations of this sort, in their own nature incapable of being immediately contradicted, are the less entitled to attention, when we find a person making them, saying, that another is not to believed upon his oath, because, for instance, he is not a punctual paymaster; or assigning some other equally inconclusive reason, for disbelieving a person called under the solemn sanction of an oath. The general character of the witness Castle has,

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however, been fully abandoned by the counsel for the Crown; they have not sustained him as a worthy respectable man, in any part or period of his life; but the evidence particularly pressed against him, as to some of the least material facts to which he has sworn, is the evidence of Mr. Hunt and Mr. Bryant. Mr. Hunt states, that he was at a meeting at which the health of the King was proposed; and it went round till it came to him, &c. You will recollect the rest of this statement. Now, if this person, Castle, had been maintaining a character, either for loyalty or for common decency, upon this occasion, there might have been some reason for his misrepresenting or concealing the circumstances of conduct, and particulars of conversation imputed to him at this meeting; but the contrary is so much the case, that he himself, upon his own evidence, brings forward the story of his own very disgusting toast, about strangling the last of kings with the guts of the last of priests; that is his own account of the matter, and therefore he does not appear to have had any reason, which operated on his mind, for representing facts, in this instance, otherwise than as he supposed them actually to have taken place, according to the recollection he then had upon the subject; but supposing what Mr. Hunt says, to be quite correct, it is likely enough, that fatigued as Castle probably was, on the 15th of November, by the bustle and labours of that day, and having taken, as he asserts, and as very probably was the case, too much liquor, a great deal might pass of which he might not have a perfect recollection afterwards, but which he appears to have had no immediate interest to deny, when he was admitting other matter so much more disparaging to him.

But there are other things and of much more material import, as to which there is not the same or any other adequate reason to be assigned for the non-contradiction on the part of the prisoner, of the particulars stated by the

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witness Castle; he has comprehended in his evidence a period of time from the month of October to the beginning of December, in respect of which he has laid himself open to contradiction on the business of almost every day, and to which no sort of contradiction is offered. Look at the important fact of his hiring the house of Mr. Cosser, for the purpose of depositing combustibles in it; is there any contradiction given to that fact? Cosser himself states all the particulars, and verifies his account to be true, not only that Castle was there upon the occasions stated, and made such applications as are represented by him, but that Thistlewood did, as Cosser has stated him to have done, given a false account of the family of this young man Watson, in untruly representing him as the son of a farmer in Lincolnshire, and that he wished to use the house as a seed and oil shop.

Then as to the pikes; are any imputations attempted to be raised upon the story of Bentley? Is not the evidence of Castle confirmed by the discovery afterwards made by the police officer in Hyde-street Bloomsbury; in short, is not every circumstance which is material in confirmation of the evidence given by him, verified, with the solitary exception of certain circumstances which rest upon the contradiction of Mr. Hunt and Mr. Bryant, as to the particulars which occurred at the dinner in Bouverie-street, and the single contradiction of Mr. Hunt, as to the conversation on the 2d of December, who is not confirmed as he might and ought naturally to have been by the only ear witness who was present on that occasion, namely, his own servant; it appears that when Castle is supposed to have said, that the Tower had been in their possession two hours, Mr. Hunt's boy was in the tandem close to him; why is not that boy called, as might have been expected, particularly in a case in which Hunt's oath is opposed to the oath of another person, where the effect of his swearing

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to discharge the credit of that other person, and to fix the crime of perjury upon him? why does he not, thus circumstanced, bring forward that further falsification of the testimony of the other, and that support of his own testimony with which the case appears to have supplied him.

Gentlemen, this case does not, by any means, rest on the evidence of Castle; it has been put to you as if it all rested upon the solitary testimony of Castle. Evidence has been pointed out to your attention, taken from the very person of the defendant; that paper, which appears inexplicable upon any supposition of his innocence; that paper referring to divisions and appointed places of meeting—the Tower, designated by the name of the Old Man; the Tower and the Bank being specifically mentioned by their proper denominations, in the opposite column of the paper, the arrangement of stations and barricades, followed up in the manner Castle has stated. What earthly reason is assigned for the trying to get Cosser's house? Had not they houses enough on their hands? had not they houses in Hyde-street, in Dean-street, and in Greystoke-place? were not those houses more than sufficient for a man in such circumstances as this man was? and when it is proved, as it is by Cosser, that he was treating for another; apply that fact, and see what reason, consistent with probability, there could exist, for his taking any other house, unless it was for the very reason assigned for his so doing. The very shop taken in Hyde-street, it is said, for the son, is never seen as a shop used by him to carry on his business; and it is not suggested that he had, even colourably, any business or occupation, but that of a surgeon.

It is for you, Gentlemen, to consider all the circumstances, and you will call to remembrance the important confirmation of the testimony by Windemude, from whom the waggon was hired, in a later period, and also the singu-

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larity of the overtures to the Tower, as proved by Heyward, Edmonds, and Darlington, and the endeavour to seduce the soldiers; you will consider also the confirmation by Dowling, the short-hand writer, who swears that young Watson, at the close of an inflammatory harangue, having "jumped from the waggon, as had been previously concerted, and asked his surrounding associates whether they would follow him, advanced as the standard bearer in this mad and mischievous warfare." If you believe that the Prisoner at the bar was party to a conspiracy formed with his son and others, in which there was to be this waggon introduced, these inflammatory speeches delivered, this rushing from the waggon to take place, this banner unfurled to lead an infuriated multitude forward, as if to instant battle, and upon which all those outrages which have been detailed, were immediately consequent, in the seeking out the houses of the various gunsmiths mentioned, in robbing them of the large quantity of offensive weapons of various descriptions, which have been stated; and if you believe that the Prisoner Watson, shortly after the commission of these outrages, as related by the witness, Ann Wright, addressed his companions in language partly consisting of encouragement for the future, and reproach for the past, "Come on, my brave boys! *if you had but followed me, the Tower would have been in our possession long ago!*" Considering all these things, you cannot but feel, that you have had laid before you a body of cogent evidence in proof of the design, charged against the Prisoner, to overset the Laws and Government of the country, and to introduce anarchy and disorder in their room; and attempted to be carried into effect by means of open rebellion and force, directed and levelled against His Majesty's Government.

Gentlemen of the Jury, you have now heard the whole of the oral evidence; the written documents shall be pre-

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solely put into your hands; you will then proceed to give that verdict, which I trust you will give from the unbiassed impulse of honest and pure minds, acting upon the subject before you, and which will have the effect of affording protection to the Prisoner at the bar, if he shall be found entitled to immunity and protection from the charges made against him; but, in another view of the case, of affording that security to the Laws and People of this land, and to its Government, as it subsists and is administered under those Laws, by the King and the two Houses of Parliament; thus satisfying your own consciences and the expectations of your Country, independently of every consideration which might affect the impartiality of that Justice, which you are, under so many solemn sanctions, this day required to administer.

Gentlemen, you will now consider of your Verdict.

Mr. Richardson. (Foreman of the Jury.) We wish to retire.

Lord Ellenborough. Gentlemen of the Jury, if you wish to have any refreshment, you had better take it now; because after you have withdrawn, you cannot have any.

Mr. Richardson. We shall not be long, my Lord.

(Several of the Jury expressed a wish for refreshment.)

Lord Ellenborough. You had better have it here then, Gentlemen. In a former trial of very considerable length, the Chief Justice made that intimation to the Jury, which I have done; and I should have been sorry if it had been omitted.

[The Jury after taking refreshment, retired at five o'clock, and returned at twenty-five minutes before seven.]

Mr. Barlow. James Watson, hold up your hand. Gentlemen of the Jury, look upon the Prisoner. How say

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you, Is James Watson Guilty of the High Treason, whereof he stands indicted, or, Not Guilty?

Foreman. NOT GUILTY.

Mr. Barlow. Did he fly for it?

Foreman. I do not understand the question. Do you mean for our verdict?

Mr. Justice Bayley. Did he fly away from justice?

Foreman. No; No.

Mr. Barlow. Gentlemen of the Jury, you say that he is Not Guilty, and that he did not fly for it; so you say all, and that is your verdict?

Foreman. Yes.

Lord Ellenborough. There is no other charge against the Prisoner at the bar; is there?

Mr. Attorney General. No, my Lord.

Lord Ellenborough. The Prisoner may be discharged.

Mr. Watson. I wish to observe———

Lord Ellenborough. No, you had better not.

(The Prisoner was immediately discharged.)

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COURT OF KING'S BENCH.

Tuesday, 17 *June* 1817.

[*Arthur Thistlewood, John Hooper, and Thomas Preston, were set to the Bar.*]

The Panel was called; and the first twelve Gentlemen who appeared, were sworn; *viz.*

John Franklin, Esquire,
John Hunter, Mercer.
John Kepp, Coppersmith.
Alexander Japp, Grinder.
George Barbut, Bootmaker.
Charles Hewett, Engraver.
John Rose, Cheesemonger.
Robert Hartley, Perfumer.
Joseph Smith, Gentleman.
William Fell, Currier.
William Girdler Mucklow, Oilman.
William Cleghorn, Shoemaker.

The Jury were charged with the Prisoners, in the usual form.

Mr. Attorney General.

May it please your Lordship,

Gentlemen of the Jury,

IT is not my intention to call any witnesses in support of the charges against the Prisoners at the Bar, and of course they will be entitled to their acquittal from your hands.

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Lord Ellenborough,

Gentlemen of the Jury, No evidence being called against the Prisoners at the bar, it is your duty to find them Not Guilty.

The Jury immediately pronounced each of the Prisoners Not Guilty.

Lord Ellenborough. Mr. Attorney General, There is no further charge against the Prisoners.

Mr. Attorney General. No, my Lord, not that I know of.

Lord Ellenborough. Then the Court order them to be discharged.

(The Prisoners were immediately discharged.)

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